

ANNUAL SECURITY AND FIRE SAFETY REPORT

Reported September 2022

For the Students, Faculty and Staff of Southern New Hampshire University



Southern New Hampshire University

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The information in this report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report contains crime and fire statistics for 2019, 2020, & 2021.

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Introduction

The Annual Security Report is mandated by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act) and informs the campus community of crimes occurring within Southern New Hampshire University's (University) geography in the three most recent calendar years. This report contains information for calendar years 2019, 2020, and 2021 and has been prepared by the Department of Public Safety using data supplied by a variety of sources including the University's Department of Public Safety, Community Standards Office, Campus Security Authorities and local Law Enforcement.

The purpose of the Annual Security Report is to provide our campus community with information needed to make informed decisions about personal safety. Campus geography crime statistics are provided along with related policies, procedures, resources, and programs of the University. The Annual Fire Safety Report is also included and contains fire statistics, fire safety systems, and related policies and procedures.

Each fall, e-mail notification is made to all enrolled students and employees and provides the website address to access the [Clery report](#). Paper copies may be obtained in person at the Department of Public Safety located at Morrissey House, 2503 North River Rd., Manchester, NH. You may also obtain a copy by calling the Department of Public Safety at (603) 645.9700 or by email at safety@snhu.edu.

The Annual Security Report and the crime statistics are updated annually.

Crime Statistics Collection, Classification, and Counting

Collecting Information for this Report

The preparation of crime statistics on an annual basis involves coordination among the Department of Public Safety, Office of Community Standards, and local police departments, which have jurisdiction on campus and in public areas adjacent to campus, to collect statistics. This coordination also occurs in statistical data gathering from Campus Security Authorities (defined below). A case management team reviews reports and crime statistics to ensure proper classification of the statistics and determines whether a report meets the criteria for inclusion in the annual statistics provided below. An audit process is in place to avoid double counting of the same crime reported to multiple officials and to verify the accuracy of reports when possible. Even without substantiation, crimes are counted in the annual statistics included in this report unless they are unfounded by a sworn law enforcement agency.

Not all agencies respond to requests for crime statistics or could not provide crime statistics as requested. Every effort has been made to include all reportable crime statistics for the most recent 3-year period.

Campus Security Authorities

As defined by the Clery Act, a federal law codified at 20 U.S.C. § 1092(f), a Campus Security Authority (CSA) is: (1) A campus police department or a campus security department of an institution. (2) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrances into institutional property. (3) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. (4) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student conduct, and campus judicial proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

CSA's include, but are not limited to, Public Safety, Student Affairs, senior staff members in Residence Life, Office of Student Involvement, Athletics, Title IX Coordinator, senior staff members in Human Resources, building monitors, local police departments, contract and event security, anyone designated as a reporting authority in our policies, and anyone who has significant responsibility for student and

campus activities including housing, student conduct, and student hearings. All Resident Assistants (RA's), Residence Directors (RD's), and athletic team coaches are CSA's. Crimes reported to CSA's are communicated to Public Safety. CSA's are reminded annually by email of their duty to immediately report crimes for statistical and timely warning purposes and are provided annual training. The following positions, offices, or organizations meet the federal definition of a Campus Security Authority. The list is intended to be comprehensive, but certain positions may not have been specifically listed.

- Department of Public Safety
- Security officers, including contract security and access control monitors
- Dean of Student Affairs
- Director of Community Standards
- Director of Residence Life and professional staff
- Resident Directors
- Resident Assistants
- Director of Athletics and professional staff
- Athletic Coaches
- Director of International Student Services and professional staff
- Director of Student Involvement and professional staff
- Director of Disability Services and professional staff
- Title IX Coordinator
- Center Team Leads
- Senior Human Resources professional staff

There are two types of individuals who, although they may have significant responsibility for student and campus activities, are not Campus Security Authorities under the Clery Act:

- **Pastoral Counselor:** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional Counselor:** A person whose official responsibilities include providing mental health counseling to members of the institutions community and who is functioning within the scope of the counselor's license or certification.

Classifying and Counting Crimes

Crimes that must be disclosed per the Clery Act are listed in the chart below. The Clery Act also specifies how crimes are to be counted. For liquor, drug, and weapon offenses, crimes must be reported for arrests and for disciplinary referrals. This distinction is an attempt to reflect the actual impact of liquor, drug, and weapons violations even when the violation does not result in arrest.

Crime:	Count by Number of:
Murder/Non-Negligent Manslaughter	Victims
Manslaughter by Negligence	Victims
Sexual Assault (Rape, Fondling, Incest, Statutory Rape)	Victims
Robbery	Incidents
Aggravated Assault	Victims
Burglary	Incidents
Motor Vehicle Theft	Vehicles
Arson	Point(s) of Origin
Hate Crimes	Incidents based on perception of perpetrator
Liquor, Drug, and Weapon Law Violations	Arrests
Liquor, Drug, and Weapon Law Violations	Referrals
Domestic Violence	Victims
Dating Violence	Victims
Stalking	Victims

Hierarchy Rule

The Clery Act requires the Hierarchy Rule when counting multiple offenses. Under this rule, when more than one criminal offense is committed during a single incident, only the most serious offense is counted. A single incident means that the offenses were committed at the same time and place. The chart above lists the crimes in order of hierarchy. For example, if a person murdered someone while committing robbery, only the murder would be counted for Clery Act statistics.

Exceptions to the Hierarchy Rule exist for Arson, Sexual Assaults, Hate Crimes, and *Violence Against Women Act* (VAWA) offenses. These offenses are always counted.

Definitions of Reportable Clery Act Crimes

Federal and state laws and regulations and University policies each provide definitions for sexual assault, sexual misconduct, dating violence, domestic violence, and stalking. Sometimes these definitions differ. State definitions are used by police and prosecutors to determine if a crime has been committed in the state. The University generally models its definitions from state law, but there may be some differences. University policy definitions are used to determine whether there have been Student Conduct violations and these definitions control whether University remedies or sanctions will be imposed.

The definitions prescribed by the Clery Act, a federal law, are used by all institutions in the United States to classify and report crimes under the Clery Act. The Violence Against Women Act of 2013 modified the definitions of some of the sexual offenses, including the definition of rape. It is important to note the definitions and changes in order to better understand how to interpret the statistical data. The following are Clery Act definitions:

Murder and Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: the killing of another person through gross negligence.

Sexual Assault (Sex Offenses): Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- a) **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes either gender of victim or offender. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- b) **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c) **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. (There is no force or coercion used in Statutory Rape; the act is not an attack. It should be classified as Statutory Rape based on the state's Statutory Rape laws.)
 - a. **In New Hampshire, sexual consent is defined as:** Age of consent in NH is 16 (under the age of 16, if that person is the other person's legal spouse).
 - b. **Consent** – Consent is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision –indicated clearly by words or actions–to engage in mutually accepted sexual contact. A

person forced to engage in sexual contact by force, threat of force, or coercion has not consented to contact. Coercion includes unreasonably pressuring another to engage in sexual activity. Lack of mutual consent is the crucial factor in any sexual misconduct. Consent to some form of sexual activity does not necessarily constitute consent to another form of sexual activity. Silence without demonstrating permission does not constitute consent.

Consent CANNOT be given if a person's ability to resist or consent is incapacitated because of a mental illness or physical condition or if there is a significant age or perceived power differential. Incapacitation is a state in which someone cannot make rational, reasonable decisions because the person lacks the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). Examples include, but are not limited to being:

- a) unconscious,
- b) frightened,
- c) physically or psychologically pressured or forced,
- d) intimidated,
- e) incapacitated because of a psychological health condition,
- f) incapacitated because of voluntary intoxication, or
- g) incapacitated because of the deceptive administering of any drug, intoxicant or controlled substance.

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.

Aggravated Assault: An 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.

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

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

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

Hate Crimes: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Under the *Clery Act*, there are eight categories of bias:

- a) **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- b) **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, protestants, atheists.
- c) **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- d) **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- e) **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

- f) ***Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- g) ***National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- h) **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**The categories of Ethnicity and National Origin are combined in Clery Act reporting because the Education Department has not yet offered a definition for each term and the FBI combines these categories when reporting hate crimes.*

The University is required to report statistics for hate/bias crimes by the type of bias for the prior listed offenses (see definitions above) as well as the crimes of larceny, simple assault, intimidation and vandalism (see definitions below). The below listed crimes are not Clery reportable crimes unless the crime was motivated by bias.

- a) **Larceny-Theft:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is "control or dominion over a property without actual possession or custody of it".
- b) **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- c) **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- d) **Vandalism/Destruction of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc. the assault is then also classified as a hate/bias crime.

Dating Violence: The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition-

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: The term "domestic violence" includes

(i) A felony or misdemeanor crime of violence committed-

(A) by a current or former spouse or intimate partner of the victim;

(B) by a person with whom the victim shares a child in common;

(C) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(E) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

For purposes of this definition-

(A) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

(C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Arrest: Persons processed by arrest, citation or summons.

Referred for disciplinary action: The referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction.

Weapons: Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapon offenses that are regulatory in nature.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Unfounded Crimes: If in the case of a particular incident, sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless (that the incident could not have occurred or did not occur, i.e., a false report), the crime is considered unfounded for Clery Act purposes. Beginning with the 2015 year's report, institutions must report the number of unfounded Clery Act crimes for the three most recent calendar years.

Definitions of Clery Geography

The Clery Act requires institutions to disclose crime statistics for reportable crimes based on where the crimes occurred. Institutions must differentiate between crimes that occur on campus, on public property

within or immediately adjacent to the campus, and in or on noncampus building or property that institutions own or control. The following is a list of location definitions provided for better understanding of how statistics are counted and categorized.

On Campus - Any building or property owned or controlled by an institution within the same reasonable contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution and controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendor).

On Campus Residential Facilities – Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonable contiguous geographic area that makes up the campus. "On Campus Residential Facilities" is a subset of the on-campus category.

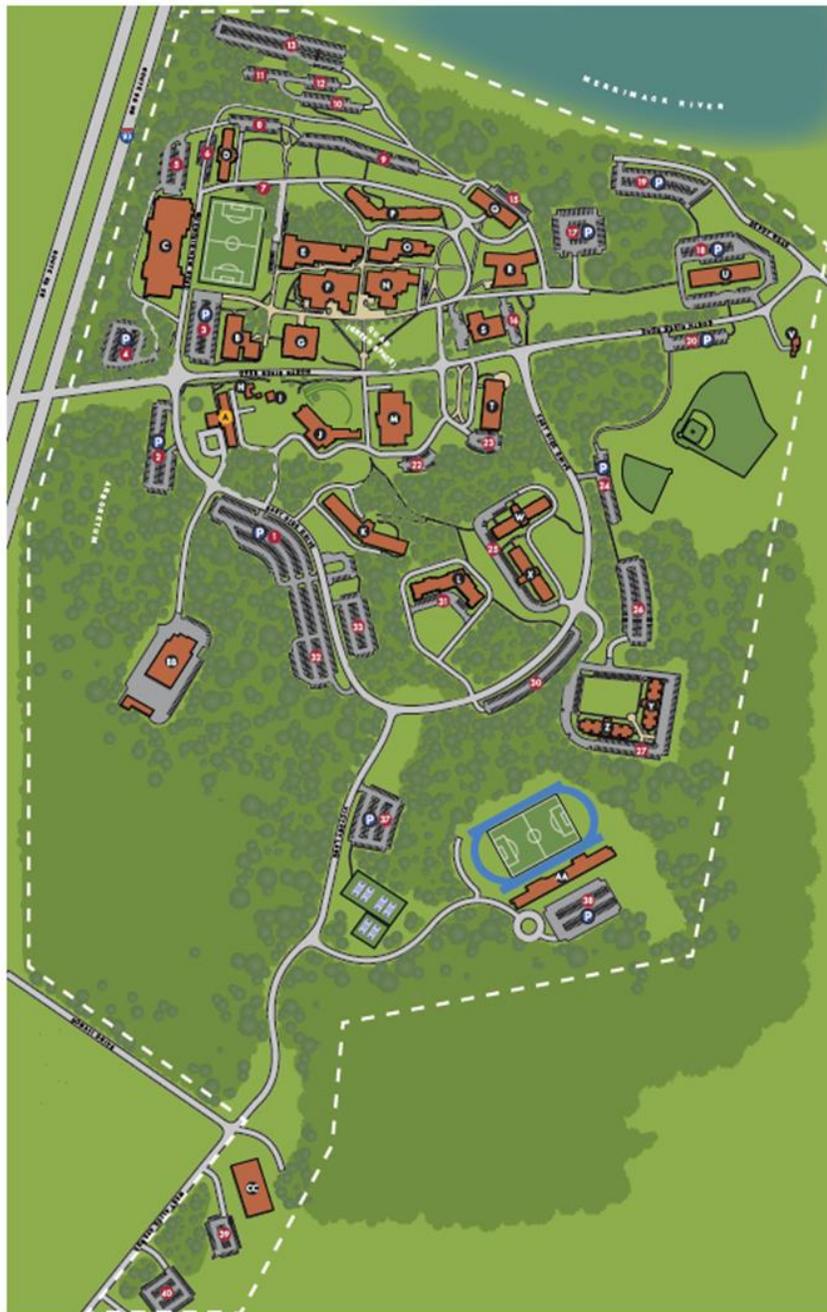
Public Property - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Noncampus Building or Property - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. SNHU has interpreted "frequently used by students" to mean 5 consecutive days or more at any location.

Official Clery Geography Maps

Clery Geography - Main Campus (Manchester)



BUILDING DIRECTORY

- T** Academic Center
CAMPUS PRESIDENT'S OFFICE
UC ADMINISTRATION
- C** Athletic Complex
STAN SPIROU FIELD HOUSE
PENMEN ROOM
- B** Belknap Hall
- R** College of Engineering, Technology,
and Aeronautics (CETA)
- CC** CETA Annex
- Z** Conway Hall
- M** Dining Center
BANQUET FACILITIES
- J** Edward S. Wolak Library
Learning Commons
- E** Exeter Hall
- H** Ford House
- A** Gustafson Center
ADMISSIONS
CAREER DEVELOPMENT
ALUMNI ENGAGEMENT
- W** Hampton Hall
- S** Hospitality Center
- P** Kingston Hall
- Y** Lincoln Hall
- V** Madison House
- K** Monadnock Hall
- I** Morrissey House
PUBLIC SAFETY
- D** New Castle Hall
- BB** Operations Center
DELIVERIES
- AA** Penmen Stadium
- F** Robert A. Freese Student Center
- G** Robert Frost Hall
WALKER AUDITORIUM
MCININCH ART GALLERY
- O** Stark Hall
- L** Tuckerman Hall
- Q** Washington Hall
- U** Webster Hall
MARA AUDITORIUM
- N** William S. and Joan Green Center
for Student Success
- X** Windsor Hall

-  Clery Geography
-  Visitor & Event Parking
-  Parking Lot Number

Clery Geography – Nashua Campus



Main Campus (Manchester, NH) Crime Statistics Reported for 2019, 2020, and 2021

Criminal Offenses	Year	On Campus (includes On Campus Residential)	On Campus Residential	Non Campus	Public Property	Unfounded
Murder/Non-Negligent manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Negligent manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2019	6	6	0	0	0
	2020	1	1	0	0	0
	2021	3	2	0	0	0
Fondling	2019	1	1	0	0	0
	2020	1	0	0	0	0
	2021	0	0	0	0	0
Incest	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated assault	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Motor vehicle theft	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	1	0	0	0	0
Arson	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Arrests	Year	On Campus (includes On Campus Residential)	On Campus Residential	Non Campus	Public Property	Unfounded
Weapons: carrying, possessing, etc.	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Drug abuse violations	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Liquor law violations	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Disciplinary Referrals	Year	On Campus (includes On Campus Residential)	On Campus Residential	Non Campus	Public Property	Unfounded
Weapons: carrying, possessing, etc.	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2019	10	10	0	0	0

Drug abuse violations	2020	0	0	0	0	0
	2021	1	1	0	0	0
Liquor law violations	2019	197	188	1	0	0
	2020	21	21	0	0	0
	2021	173	172	0	0	0
VAWA Offenses	Year	On Campus (includes On Campus Residential)	On Campus Residential	Non Campus	Public Property	Unfounded
Domestic violence	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Dating violence	2019	0	0	0	0	0
	2020	2	2	0	0	0
	2021	0	0	0	0	0
Stalking	2019	1	0	0	0	0
	2020	1	0	0	0	0
	2021	0	0	0	0	0

Hate Crime Reporting

2019 - There were no incidents of hate crimes reported during the 2019 calendar year.

2020 - There were no incidents of hate crimes reported during the 2020 calendar year.

2021 - There were no incidents of hate crimes reported during the 2020 calendar year.

Nashua, NH Center Crime Statistics Reported for 2019, 2020, and 2021

Criminal Offenses	Year	On Campus (includes On Campus Residential)	On Campus Residential	Non Campus	Public Property	Unfounded
Murder/Non-Negligent manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Negligent manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Incest	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2020	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated assault	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2019	0	0	0	0	0

Criminal Offenses	Year	On Campus (includes On Campus Residential)	On Campus Residential	Non Campus	Public Property	Unfounded
Motor vehicle theft	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Arrests	Year	On Campus (includes On Campus Residential)	On Campus Residential	Non Campus	Public Property	Unfounded
Weapons: carrying, possessing, etc.	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Drug abuse violations	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Liquor law violations	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Disciplinary Referrals	Year	On Campus (includes On Campus Residential)	On Campus Residential	Non Campus	Public Property	Unfounded
Weapons: carrying, possessing, etc.	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Drug abuse violations	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Liquor law violations	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
VAWA Offenses	Year	On Campus (includes On Campus Residential)	On Campus Residential	Non Campus	Public Property	Unfounded
Domestic violence	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Dating violence	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Stalking	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0

Hate Crime Reporting

2019 - There were no incidents of hate crimes reported during the 2019 calendar year.

2020 - There were no incidents of hate crimes reported during the 2020 calendar year.

2021 - There were no incidents of hate crimes reported during the 2020 calendar year.

Non Campus Locations

Southern New Hampshire University owns or controls non-campus buildings at the following locations.

New Hampshire:

- Adeline C. Marston School- 4 Marston Way, Hampton, NH 03842 (New site 2021)
 - 2021 – Law enforcement agency did not respond to requests for statistics
- Alvirne High School -200 Derry Rd, Hudson, NH 03051
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Bow High School - 55 Falcon Way, Bow, NH 03304 (New site 2021)
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Courtyard Hanover Lebanon Hotel - 10 Morgan Dr, Lebanon, NH 03766 (New site 2021)
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Concord School District -38 Liberty Street, Concord, NH 03301
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – Site wasn't used in 2020
 - 2021 – Site wasn't used in 2021
- Dover Middle School Library - 16 Daley Drive, Dover NH 03820 (New site 2021)
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Edward Fenn Elementary School -169 Main Street, Gorham, NH 03581 (New site 2020)
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Law enforcement agency did not respond to requests for statistics
- Epping High School -21 Academy Street, Epping, NH 03042
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – Site wasn't used in 2021
- Fred C. Underhill School -2 Sherwood Dr, Hooksett, NH 03106
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – Site wasn't used in 2021
- Goffstown High School -27 Wallace Road, Goffstown, NH 03045
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Gossler Park Elementary School -145 Parkside Ave, Manchester, NH 03102
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – Site wasn't used in 2020
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Hillside Middle School -112 Reservoir Ave, Manchester, NH 03104
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Site wasn't used in 2021
- James Masticola Upper Elementary School -26 Baboosic Lake Rd, Merrimack, NH 03054
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- John Stark Regional High School -618 N Stark Hwy, Weare, NH 03281-4215
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – Site wasn't used in 2020
 - 2021 – Site wasn't used in 2021

- Lincoln Street School, 25 Lincoln Street, Exeter, NH 03833 (New site 2021)
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Londonderry High School -295 Mammoth Rd #3095, Londonderry, NH 03053
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Marston Elementary School -4 Marston Way, Hampton, NH 03842
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Site wasn't used in 2021
- McDonough Elementary School –550 Lowell St, Manchester NH 03104
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Michael A. Morgan Center for Professional Learning - 30 Linden St, Exeter, NH 03833 (New site 2021)
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- New Hampshire School Administrators Association (NHSAA) -46 Donovan Street, #3, Concord, NH 03301
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Site wasn't used in 2021
- Northwest Elementary School -300 Youville St, Manchester NH 03102
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – Site wasn't used in 2020
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Parker Varney School -223 James A Pollock Dr, Manchester, NH 03102
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Parkside Middle School -75 Parkside Ave, Manchester NH 03102
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – Site wasn't used in 2020
 - 2021 – Site wasn't used in 2021
- Pelham High School - 85 Marsh Road, Pelham, NH 03076 (New Site 2020)
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Law enforcement agency did not respond to requests for statistics
- Pinkerton Academy -5 Pinkerton St, Derry, NH 03038
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Law enforcement agency did not respond to requests for statistics
- Plymouth Regional High School - 86 Old Ward Bridge Road, Plymouth, NH 03264 (New Site 2021)
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Rochester Middle School -47 Brock Street, Rochester, NH 03867
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – Site wasn't used in 2021

- Rundlett Middle School -144 South Street, Concord, NH 03301
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Smyth Road School -245 Bruce Rd, Manchester, NH 03104
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Site wasn't used in 2021
- Spaulding High School -130 Wakefield Street, Rochester, NH 03867
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Sunset Heights School -15 Osgood Rd, Nashua, NH 03060
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Timberlane Regional Middle School - 44 Greenough Rd, Plaistow, NH 03865
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Towle School - 86 N. Main Street, Newport, NH 03773 (New Site 2021)
 - 2021 – Law enforcement agency did not respond to requests for statistics
- White Mountains Regional High School -127 Regional Road, Whitefield, NH 03598 (New Site 2020)
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Law enforcement agency did not respond to requests for statistics

Vermont:

- Barre City Elementary School, 50 Parkside Terrace, Barre, VT 05641
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Brattleboro Union High School, 131 Fairgrounds Road, Brattleboro, VT 05301
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – Site wasn't used in 2021
- Burlington High School- 52 Institute Rd Burlington VT 05408-2721 (new site 2020)
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Site wasn't used in 2021
- Capitol Plaza Hotel - 100 State St. Montpelier, VT 05602 (New site 2021)
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Cavendish Fletcher Community Library -573 Main St, Proctorsville, VT 05153
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Community Engagement Lab -41 Summer Street, Montpelier, VT 05602
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses

- 2020 – Site wasn't used in 2020
 - 2021 – Site wasn't used in 2021
- East Montpelier Elementary School- 665 Vincent Flats Rd, East Montpelier, VT 05651 (New site 2020)
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Enosburg Falls Elementary School -303 Dickenson Ave, Enosburg Falls, VT 05450
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Essex Westford School District East Office -58 Founders Road, Essex Jct, VT 05452
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Field Based Grad Ed - 157 Daniels Road, Hardwick, VT 05843 (New site 2020)
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Site wasn't used in 2021
- Hampton Inn - 42 Lower Mountain View Dr. Colchester, VT 05446
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Hampton Inn - 4519 Main St Manchester Center, VT 05255 (New site 2020)
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Highgate Elementary School, 219 Gore Rd, Highgate Center, VT 05459 (New site 2021)
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Kennedy Brothers - 11 Main St. Vergennes VT 05491 (New Site 2020)
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Site wasn't used in 2021
- Lamoille Union High School, 736 Vermont Route 15 W, Hyde Park, VT 05655
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – Site wasn't used in 2021
- Lyndon Town School -2591 Lily Pond Road, Lyndonville, VT 05851
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Manchester Elementary Middle School, 80 Memorial Ave., Manchester Center, VT 05255
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – Site wasn't used in 2020
 - 2021 – Site wasn't used in 2021
- Milton Elementary School -42 Herrick Ave, Milton, VT 05468
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – Site wasn't used in 2021
- Molly Stark Elementary School -181 Orchard Rd, Bennington, VT 05201
 - 2019 – Law enforcement agency did not respond to requests for statistics

- 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Mount Mansfield Unified Union School District, -10 River Road, Jericho, VT 05465 (New site 2020)
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – Site wasn't used in 2021
- Springfield High School, 303 South Street, Springfield, VT 05156
 - 2019 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – Site wasn't used in 2021
- St. Albans Town Education Center, 169 South Main Street, St. Albans, VT 05478
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- St. Johnsbury School, 257 Western Avenue, St. Johnsbury, VT 05819
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
- Two Rivers Supervisory Union, 609 VT Route 103, Ludlow, VT 05149
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses
 - 2021 – Site wasn't used in 2021
- Vergennes Union High School, 50 Monkton Road, Vergennes, VT 05491
 - 2019 – Law enforcement agency did not respond to requests for statistics
 - 2020 – Law enforcement agency did not respond to requests for statistics
 - 2021 – No onsite in 2021 remote only for this location.
- Wilder School, 160 Norwich Ave, Wilder, VT 05088 (New Site 2021)
 - 2021 – No Clery reportable crimes, disciplinary referrals, or VAWA offenses

Short-stay “away” trips and repeated use of a location for school-sponsored trips:

In 2019:

Best Western Plus Kendall Hotel, 8560 SW 124th Avenue, Miami, FL 33183. Dates of stay: 2/27/2019 – 3/2/2019. There was one domestic disturbance, not involving University students but occurring at the time and on the property where students stayed overnight during the trip. We were unable to determine if the disturbance happened in our Clery geography of the property or if the disturbance fit a Clery reportable crime definition. The domestic disturbance was not included in our crime statistics chart above.

Residence Inn Boca Raton, 525 NW 77th Street, Boca Raton, FL 33487. Dates of stay: 3/9/2019 – 3/17/2019. There was one domestic disturbance, not involving University students but occurring at the time and on the property where students stayed overnight during the trip. We were unable to determine if the disturbance happened in our Clery geography of the property or if the disturbance fit a Clery reportable crime definition. The domestic disturbance was not included in our crime statistics chart above.

Courtyard by Marriott, 7780 SW 6th Street, Plantation, Florida 33324. Dates of stay: 9/12/19 – 9/19/19. One student was referred for discipline for a liquor law violation.

In 2020: In 2019, institutions were required to report Clery Act crimes for short-stay “away” trips. This requirement ended with the 2020 reporting year.

In 2021: SNHU updated its interpretation of “frequently used by students” to mean 5 consecutive days or more at any location.

Courtyard by Marriott – Erie Ambassador Conference Center 7792 Peach St. Erie, PA 16509. Dates of stay for Golf NCAA Nationals 5/4/21 – 5/8/21. Law enforcement agency did not respond to requests for statistics

Hilton Garden Inn Raleigh-Cary 141 Columbus Avenue Cary, NC 27518. Dates of stay for Baseball NCAA World Series 6/2/21 – 6/9/21. No Clery reportable crimes, disciplinary referrals, or VAWA offenses reported.

Marriott 102-05 Ditmars Blvd East Elmhurst, NY 11369. Dates of stay for Tennis ITA Competition 9/16/21 – 9/21/21. Law enforcement agency did not respond to requests for statistics

Hampton Inn & Suites Tampa – Wesley Chapel 2740 Cypress Ridge Blvd. Wesley Chapel, FL 33544. Dates of stay for Women’s Cross Country 10/17/21 – 10/17/21. No Clery reportable crimes, disciplinary referrals, or VAWA offenses reported.

Daily Crime Logs

Daily Crime Logs are available for review during normal University business hours (8am to 4:30pm, Monday through Friday, except holidays and emergency closures) at the Public Safety office, located at Morrissey House 2503 North River Road. The information in the crime log typically includes the incident classification, date reported, date and time occurred, general location, and disposition of each reported crime.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes and updated information regarding previously reported crimes are entered into the daily crime and fire log within two business days of when it is reported to Public Safety. The Public Safety Department makes the daily crime and fire log for the most recent 60-day period open to public inspection during normal business hours. Additionally, any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request.

Timely Warnings and Emergency Notifications

The University has a close working relationship with local police departments and has requested their cooperation in informing the institution about situations reported to them that may warrant an emergency response or timely warning. Public Safety and local police departments work cooperatively to share information.

Timely Warnings

In compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, the University provides timely warnings to the University community when a significant criminal incident occurs within SNHU Clery campus geography and represents a serious or continuing threat. Decisions to disseminate a warning will be decided on a case-by-case basis in light of all the facts surrounding the crime and the continuing danger to the community. The Director of Public Safety is the designated Clery Officer within Public Safety who reviews reports as they come in and assesses the need to issue a timely warning. The purpose of the warning is to aid in the prevention of similar crimes by alerting the community about the incident and provide information on the action people can take to diminish their chances of being victimized.

The amount and type of information presented in the warning will vary depending on the circumstances of the crime, but usually includes the date/time of the incident, the location, the nature of the crime, the continuing danger to the campus community, and actions people can take to diminish their chance of being a victim of a similar crime. If there is certain information that could compromise law enforcement

efforts, it may be withheld from the timely warning notice. An effort will always be made to distribute a warning as soon as pertinent information is available so that the warning is a preventive tool, not solely a description of the incident.

Timely Warning Notices are typically issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: major incidents of arson, aggravated assaults, and murder/non-negligent manslaughter, robbery, burglary, hate crimes, sex offenses, dating violence, domestic violence and stalking.

Cases of aggravated assault, sex offenses, and stalking, dating and domestic violence are considered on a case-by-case basis, depending on the facts of the case and the information known by the University. For example, if an alleged assault occurs between two students who have a disagreement, there may be no on-going threat to the University community members and a Timely Warning Notice would not be distributed. Cases involving sexual assault are often reported long after the incident occurred, in which case there is no ability to distribute a "timely" warning to the community. Thus, whether to issue a Timely Warning Notice based on a reported sex offense will be determined on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the University.

Similarly, the University will assess reports of property crimes and will distribute a Timely Warning Notice in the event of a pattern of crime that poses a serious or continuing threat to the community. In an emergency, the notification process will be implemented at the sole direction of the VP of Student Affairs, the Director of Public Safety, or the director of Public Safety's designee to include a Public Safety Supervisor or Senior Officer. Timely Warnings also may be posted for other crime classifications and locations as deemed necessary. Timely Warning Notices will be issued to students and employees in a manner that is timely, that withholds the names as confidential, and in a manner that aids in the prevention of future similar crimes.

Timely Warning Notices are typically written and distributed by staff in the Office of the Public Safety. The Communications office is also authorized to distribute Timely Warning Notices at the discretion of the Director of Public Safety or designee. Timely Warning notices are distributed to the University community via a layered approach including blast email, SNHU Alerts, fliers, SNHU.edu website, public announcements, Twitter, and other methods deemed necessary that may be used in the information dissemination process.

The Department of Public Safety does not issue timely warnings for the above listed crimes if:

- The subject(s) is apprehended and the threat of imminent danger to the SNHU community has been mitigated by the apprehension.
- The details may lead to the identification of a victim of sexual violence, dating violence, domestic violence and/or stalking, who does not wish to be identified.
- The information may jeopardize an ongoing investigation and/or the apprehension of a suspect.
- The Public Safety department was not notified by campus security authorities in a manner that would allow the department to post a timely warning to the community.
- Unless there are extenuating circumstances, a report that is filed more than five days after the date of the alleged incident may not allow the University's Public Safety department to post a timely warning to the community. This type of situation will be evaluated on a case-by-case basis.

The University may also issue Safety Alerts, when necessary, to apprise the community of safety issues and concerns. These safety bulletins will include safety tips and recommendations to follow so that the campus community can make informed decisions about personal safety. Unlike Timely warnings, Safety Alerts are used when no threat is present, but there is still value in informing the community.

Emergency Notifications

The University uses an Emergency Notification to notify students and employees in a timely manner when it is determined that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The notification to the campus community may contain only the information that is reasonably necessary to promote the safety of the campus community as dictated by the situation. An Emergency Notification will be released as soon as reasonably necessary and without delay, unless notification will compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. After the initial notification, follow-up information will be disseminated to the community via the mediums stated below. An Emergency Notification can be related to criminal activity that is not subject to the timely warning standard by the Clery Act, but is not necessarily related to criminal activity. Examples of situations that may constitute the University's decision to issue an Emergency Notification include, but are not limited to:

- Outbreak of meningitis, norovirus, or other serious illness
- Approaching tornado, hurricane, or other extreme weather conditions
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil unrest
- Explosion
- Nearby chemical or hazardous waste spill

Examples of situations that would NOT necessitate an emergency notification include, but are not limited to:

- Power outage/transformer fire
- Snow closure/weather related situations
- Water emergencies
- String of larcenies

In the event of confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, the University has at their disposal a wide variety of communication tools including:

- **[SNHU Alerts](#)**: a free service that automatically sends a brief text message alerting the community regarding an emergency situation to email accounts and/or cell phones. SNHU students, faculty, staff, and affiliates can register to receive text message alerts.
- **Blast email**: SNHU email system alerting students, faculty, and staff.
- **Fliers**: posted in residential buildings, academic buildings and support services buildings.
- **[SNHU Website](#)**
- **Public Announcements**
- **Twitter**
- **Other**: methods deemed necessary that may be used in the information dissemination process

SNHU Alerts is the University's primary tool for emergency notifications to the members of the campus community who have registered to receive messages. SNHU Alerts is focused on streamlining community communications, allowing Public Safety to immediately and simultaneously send messages to the University community via the community members' preferred contact methods: text messaging and email.

Users of [SNHU Alerts](#) must update their cell phone information annually at the start of the academic year. All students, staff and faculty email accounts are automatically enrolled in SNHU Alerts.

The University uses a variety of the communication tools listed above to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff on campus.

Public Safety is responsible for confirming (with the assistance of key campus administrators, local first responders, or the National Weather Service) if there is a significant emergency or dangerous situation

that poses an immediate threat to the health or safety of some or all members of the University community.

In an emergency the notification process will be implemented at the sole direction of the VP of Student Affairs, the Director of Public Safety, or the Director of Public Safety's designee to include a Public Safety Supervisor or Senior Officer. Upon confirmation of a significant emergency or dangerous situation posing an immediate threat to the campus community, without delay and taking into account the safety of the community, the Director of Public Safety or his/her designee(s) to include on duty supervisors or the Senior Officer, will determine the content of any emergency notification as well as the appropriate segment(s) of the community to receive it and will initiate SNHU Alerts, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Subsequent notification will be sent through SNHU Alerts and various other communication tools listed above as needed.

Campus Emergency Response and Evacuation

At the Main Campus (Manchester), Department of Public Safety officers are trained first responders and are prepared to take action in emergency situations that may arise on campus. A Crisis Management Team is in place to allow immediate response by individuals performing specific roles and functions already predefined.

At the Nashua Center, in the event of an emergency situation occurring on campus which is beyond the scope of what center staff can manage, local EMS, police, and fire departments are the first responders. In the event that the emergency situation is not mitigated in a reasonable period of time and a more long-term response is needed from the University, members of the University's Crisis Management Team from the main campus in Manchester, NH will respond.

An Emergency Management Plan has been developed by University officials and has been reviewed by officials of the State of New Hampshire Division of Public Safety as part of our ongoing effort to protect our University community. The development of this plan is based on a realistic assessment of potential incidents that could affect our community and the capabilities to react to those situations. It is a comprehensive approach utilizing the Incident Command and National Incident Management System and may effectively be applied to any critical incident. The crisis management plan is exercised annually at a minimum by way of a table-top exercise, functional exercise or other drills.

Tabletop Exercise December 15, 2021

Facilitated by Steven Cooper, Exercise Training Officer, NH Homeland Security and Emergency Management (NHHSEM).

Advisors from the NHHSEM office participated as exercise controllers/evaluators. Participants included members of the Southern New Hampshire University Crisis Management Team. The scenario for the exercise consisted of a bomb threat and suspicious bag located in the Academic Center Complex (ACC).

The purpose of the exercise was to identify the strengths and areas of improvement of the university during an active threat event. The exercise was held virtually for approximately 2 hours. The exercise was followed by a hot wash discussion to go over the evaluator's observations and participants' questions.

The exercise consisted of three following objectives.

1. Evaluate the ability of Southern New Hampshire University to respond to a bomb threat in accordance with the procedures outlined within the bomb threat policy. Mission area-Response. Core capability-Situational assessment, Threat and Hazard Identification and Operational Communication.
2. Evaluate the ability of Southern New Hampshire University to communicate their response and actions during a bomb threat in accordance with their policies and procedures. Mission area-Response. Core capability-Planning, and Operational Communication.

3. Evaluate the ability of Southern New Hampshire University to coordinate the response and actions during a bomb threat in accordance with the policy and procedures. Mission area- Response. Core capability-Planning, Operational Communication and Operational Coordination.

Strengths identified by the NHHSEM team-

- The team adapted well to a progressively challenging scenario.
- The team was able to respond, prepare and take appropriate action during each phase.
- The internal communications plan provides an operational networking system to notify staff and students of a threat and what actions to take.
- Southern New Hampshire University has a robust list of resources it can call upon for assistance during an active threat event.
- Southern New Hampshire University conducts training and drills throughout the year to improve their capabilities in planning, responding, and recovering from an active threat event.

Areas for improvement identified by the NHHSEM team-

- Develop a more enhanced method to account for staff and students during an emergency.
- Ensure actions taken follow the plan. If not, revise the plan, as appropriate.
- Test current communications systems ensuring Southern New Hampshire University personnel can communicate clearly with one another and other resources that will be assisting during an emergency.

On October 6th, 2021 at the Nashua Aviation Center, an unannounced evacuation drill was conducted by a University official. The purpose of the drill was to observe the Centers occupants' response to the alarm to ensure their understanding of the evacuation procedures. The people present were reminded that evacuating the building is mandatory when the fire alarm system activates and that all fire alarm activations should be considered real. Staff were reminded to help direct occupants to the nearest exits. All people present were also reminded to exit the building via the nearest exit, move away from the building to clear the area for emergency responders, and to not use an elevator during a fire alarm.

Southern New Hampshire University's Crisis Management team utilizes a "layered approach" to emergency notifications, recognizing that no one method will reach all of the target audience. Some of the methods used are blast e-mails, text messages which are known as SNHU Alerts, and TV messaging. These systems are used to distribute emergency notifications without delay in the event of an immediate threat in situations where a clear and active (e.g., in progress) threat or emergency exists that impacts the campus community and where it is recommended that the recipients take some form of action in response to the active threat or emergency. The Director of Public Safety or his/her designee(s) to include on duty supervisors or the Senior Officer, can issue emergency text alerts and authorize the use of other methods of emergency notification 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 professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The University will post updates during the incident on the web page and via email or SNHU Alert messages. Time permitting, printed materials providing incident specific information will be posted in residence halls, and/or academic/administrative buildings.

Evacuations

Instructions to evacuate will be issued by the Public Safety Department or other University officials. Faculty, students, and staff are to evacuate quickly, but in a calm and orderly fashion to a safe area. If necessary, First Responders will direct people to an evacuation/relocation site. People are asked to remain calm and assist persons with disabilities or those in need, to not turn off lights or equipment, and to not lock doors to a room or building. Unusual or suspicious items or people should immediately be reported to First Responders. Everyone should remain in a safe area until receiving notification to return to the facility.

In situations where the University is forced to evacuate the campus, Public Safety will notify the public, students, staff, and faculty that campus is closed and traffic will not be allowed to enter. This notification

will be made through a variety of methods to include our emergency text messaging via SNHU Alerts, blast emails, and our University website (SNHU.edu), along with other methods of messaging.

Policy Statements

How to Report Crimes

On Campus Reporting

University community members are strongly encouraged to report all crimes accurately and promptly to campus Public Safety and the appropriate police department when the victim of a crime elects to, or is unable to, make such a report. When members of the University community receive a report of criminal activity, they should immediately report the crime. In emergencies, call 911. Non-emergency crimes can be reported by contacting the following:

- on the Main Campus (Manchester) - the Department of Public Safety at 603.645.9700 and/or the Manchester Police Department at 603.668.8711 or the Hooksett Police Department at 603.624.1560
- Nashua Center – Assistant Dean of Aviation at 603.665.7323 and/or the Nashua Police Department at 603.594.3500

Prompt reporting will assure timely warning notices and timely disclosure of the crime statistics. If you observe a crime or suspected crime, please provide the following information as soon as accurately possible:

- The nature of the incident
- Where and when the incident occurred
- The person(s) involved (name, sex, race, age, height, weight, hair color and style, scars, tattoos, clothing, and anything else which might help in identifying the person)
- A detailed description of the property, if any, in question
- The type of vehicle involved and as detailed a description as possible

At the Main Campus (Manchester), all incident reports are submitted electronically to the Director of Community Standards for review and potential judicial actions. Public Safety will investigate reports when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the appropriate person hearing the case. If assistance is required from the Manchester or Hooksett police departments, Public Safety will contact the appropriate agency.

At the Nashua Center when a crime is reported to the Center, it will be referred to the local police department and the Public Safety department at the University's main campus. In addition, if the suspect is a student, there may be an inquiry through the Community Standards office at the main campus. If the suspect is an employee of the University, the Office of Human Resources and/or other appropriate University officials may conduct an inquiry. It is the policy of the Center to take every report of criminal activity seriously and to take appropriate action, consistent with applicable law and public and Center safety.

Criminal activity reports are made available to campus community members on a case-by-case basis. Crime statistics are available upon request.

Off Campus Reporting

If criminal activity takes place in an off-campus location that is rented or owned by the University, community members should contact the local police department with jurisdiction and the office of Public Safety.

The University does not operate any off-campus student organization facilities.

Security of and Access to Campus Facilities

Building Security and Access

Main Campus (Manchester)

The Main Campus (Manchester) buildings, grounds, and parking areas are private property. Academic and support buildings are available to authorized members of the campus community and to official visitors and/or individuals who have legitimate business needs during hours the buildings are open.

All buildings are secured each night and are open only during normal business hours. Entry after normal hours is only available to faculty, staff, and authorized students as determined by the appropriate academic or administrative offices.

Buildings are patrolled and checked by Public Safety staff who are equipped with emergency communication devices. Certain buildings are alarmed for the protection of contents and personnel, and the alarms are activated when any illegal entry is made. Immediate response to the alarm location is made by Public Safety personnel.

All SNHU residence halls and undergraduate housing are secured 24/7.

Hall staff performs routine assigned building checks each evening and, in addition, routine patrol/building checks are made by officers of the Department of Public Safety. Safety and security checks made in the residence halls are expected to detect damage to doors, windows, and safety features. Any suspicious activity, suspicious person, or crimes in progress should be reported immediately to the Department of Public Safety.

Security Considerations Used in the Maintenance of Campus Facilities

Surveillance Cameras

The University utilizes over 400 surveillance cameras as an additional layer of our overall security approach to maintaining a safe and secure campus. These cameras are reviewed daily to monitor functionality.

Emergency Signage

Emergency Management signs are posted in every room in the academic and administrative buildings. The purpose of the signs is to inform users of their exact location. Each sign has a campus map, instructions on what to do in an emergency and their location with town, building, address and room number.

Emergency Phones

There are 42 Blue Light phones/emergency two-way call boxes, situated around campus for use during emergencies. By pressing the button, typically red, on the stations, users are immediately connected with the Department of Public Safety. These telephones can be used to report a criminal incident, a fire, or any other type of emergency. All Blue Light phones are tested on a monthly basis.

Lighting Surveys

On a monthly basis the Department of Public Safety conducts surveys of exterior lights on campus to include walkways, greenspace, parking lots, and outside areas of university buildings. Deficiencies are reported to Facilities Operations for correction.

Crime Prevention Surveys

Surveys are conducted to help identify security concerns in any University office or residential area. The surveys are free and are used to improve safety by altering design or procedures in the workplace or living space. Trained personnel visit the areas and document recommended changes to create a safer and more secure area. Security surveys are conducted upon the request of a department or building.

Facilities Operations

The Facilities Operations department manages and maintains University buildings and grounds with a concern for safety and security. Personnel inspect campus facilities regularly, making repairs and responding to reports of potential hazards such as broken windows and locks. Facilities Operations also manages building maintenance and access of campus facilities during maintenance projects and follows building security and access protocols. Maintenance workers are managed and vetted by Facilities Operations. Major maintenance projects on the Main Campus (Manchester) are completed during the summer when buildings are not occupied. In addition, a staff member of the Facilities Operations team is on call after regular business hours and during weekends to respond to emergency situations involving campus facilities. The Department of Public Safety assists Facilities Operations by acting as the call center for maintenance issues after hours, on weekends and holidays. The University also uses an online reporting system to alert Facilities Operations of maintenance and repair issues. The system is known as Asset Essentials.

Contractor Safety Program

The Office of Administration and Strategic Sourcing, in conjunction with Facilities Operations, administers the contractor safety program which addresses the safety and health of the campus community as well as that of the contract employees.

Nashua Center

Academic and administrative offices are secured at the conclusion of their operating hours. The building is secured each night and is open only during normal operating hours. Building hours during semester breaks, University holidays, and summer may be reduced or modified from the normal operating hours. The University has one Campus Security Authority (CSA) working at the Campus. There is no uniformed presence or Memorandum of Understanding (MOU) with the Nashua Police Department. Community members should contact their local police department and a CSA to report any suspicious or criminal activity. The CSA at the Center is the Aviation Operations Administrator.

Use of the University building and areas are available to authorized members of the University community and to official visitors and/or individuals who have legitimate business needs during hours the building is open. The University reserves the right to deny any member of the public access to the Center if there is a perceived threat to the safety and security of students, faculty or staff. Loitering and solicitations are not permitted in the Center or on University property. Persons engaged in such activity, or being disruptive or interfering with the normal operations of the University, will be asked to leave the premises and may be denied future access to the building and property.

Guest Registration

Students are permitted to host no more than two guests at a time with a maximum of one guest per resident present for each residential unit. Registered guests receive a registration form to be placed on the driver side dashboard of their vehicle and a "body pass" to be carried on them at all times. Guests under the age of 17 are not permitted unless accompanied by a custodial parent/guardian or for a demonstrated humanitarian need. It is the responsibility of the student to inform his or her guest of all campus rules and regulations. Students wishing to have guests on campus must go on line to [Guest Registration](#) to obtain a visitor pass. Guests are subject to all rules and regulations that apply to students. Disorderly or intoxicated guests will be ordered off campus. If a guest was mistakenly allowed on campus (either host lost privilege or the guest is persona non grata) he/she can be ordered to leave upon discovery on campus.

Crime Prevention Resources and Services, Educational Opportunities, and Where to Go for Assistance

Southern New Hampshire University provides assistance programs to the members of the University community. Local police departments also offer crime prevention programming. These programs are dedicated to the prevention of crime on campus and they vary in scope and content with the emphasis on community involvement. Specific programs and contact phone numbers include the following:

Resources for Crime Prevention on Campus	Phone Number
Confidential & anonymous reporting (all campuses)	603.645.9700
Assistance Main Campus (Manchester):	
Security audits of buildings	603.645.9700
Safe Walk	603.645.9700
Self-defense training	603.645.9700
Campus lighting checks and surveys, conducted monthly	603.645.9700
CCTV functionality, Blue Light phone functionality surveys	603.645.9700
Alcohol assistance programs	603.645.9679
After hours on-call counselor	603.645.9679
Sexual Harassment and Rape – Wellness Center	603.645.9679
Residential Hall Safety Programs – Residence Life	603.645.9758
Local Assistance – Nashua	
Greater Nashua Mental Health Center	603.889.6147
NH Area Assembly of Alcoholics Anonymous	603.622.6967
Bridges Domestic and Sexual Violence Support	603.889.0858

Campus Security and Crime Prevention Education

The key to preventing crime is awareness, which is best achieved through education. At SNHU, the department of Public Safety, Center staff, the Wellness Center and Residence Life staff, students, and others help students take responsibility for their own safety.

Education opportunities offered at least annually for students include:

- Campus Safety presentation for Campus Orientation
- International student Orientation: Fire Safety, General Safety Awareness, and Crime Prevention
- Drinking and Alcohol safety
- Evacuation Procedures
- Dorm Safety
- Fire Safety
- Active Shooter
- Stop the Bleed
- General Safety tips
- Winter Driving Safety Tips and video
- Preventing and recovering from identity theft
- In-person IT security awareness outreach
- Various IT online safety and identity protection information campaigns

Education opportunities for staff and faculty include:

- Public Safety New Employee Orientation
- Emergency Preparedness for new employees
- Preventing and recovering from identity theft
- Information security awareness
- Stop the Bleed training
- Active Shooter
- Emergency Evacuation Procedures
- Fire Safety
- How to Use a Fire Extinguisher
- CARE and Community Standards for RAs and RDs

The University is committed to outreaching and educating students as we increase awareness and seek to end all forms of sexual violence, sexual harassment, intimate partner abuse, and stalking. Programming begins as soon as students arrive on campus in “First Days” and in the Residence Halls, and throughout the academic year in regular programs presented on campus by various offices. Fliers, door hangers, and other methods of passive programming that include relevant safety tips are also distributed each year to members of the University community. In addition, the Wellness Center and Public Safety Department coordinate events for Sexual Assault Awareness Month along with other safety campaigns.

Violence Against Women Prevention/Education

The University provides education and violence prevention services to the campus community. This includes programs that cover crime prevention and security procedures and practices, and encourages the campus community to be active bystanders. Students are informed of the impact of violence and provided with resources to intervene to prevent violence.

The types of educational initiatives that are included in the campaign are:

- Title IX Preventing Sexual Violence Together for New Employees
- Annual Title IX Training for students
- Preventing Harassment and Promoting Respect for employees
- Title IX: Preventing Harassment Fundamentals
- Annual Trauma training for conduct boards and hearing officers
- Title IX training for investigators, advisors, and grievance pool (board)
- Bystander Intervention

All of these initiatives include men as allies. The educational campaigns are co-sponsored by The Wellness Center, Athletics, Public Safety, Student Involvement, Diversity, the Women’s Center, the Center for Community Engaged Learning, the Title IX Office and Student Affairs. Student Government, Inter Greek Council and Generation Equality are all student groups that have been actively involved in the campaign and have been instrumental in engaging a culture of students to be active bystanders and to pledge for peace.

Campus Safety: A Shared Responsibility

The cooperation and involvement of students and employees in their own safety and security is essential. Members of the campus community must assume responsibility for their personal safety and the security of their belongings by taking common sense precautions. Rooms and offices should be locked when unoccupied. Security measures – such as alarms, door locks, or key access systems – should never be overridden or circumvented. Bicycles should be secured with effective locks. Students and employees must park in designated areas, and should keep their valuables secured in the trunk. Suspicious-looking individuals or unusual incidents on campus should be reported immediately to the Office of Public Safety, Center Team Leads, or the local police department. For more information, please visit our [Campus Safety](#) website.

Campus Law Enforcement and Security

Safety and Security Information

Main Campus (Manchester)

The Department of Public Safety is within the Division of Student Affairs. The Director of Public Safety is responsible for the management of the Public Safety Department and reports to the VP of Student Affairs, Dean of Students. However, all public safety services are coordinated with other key University, state, and local officials. The Public Safety Department provides patrol functions, security services, and general support services 24/7 to the University community.

The Department of Public Safety patrols University-owned and controlled property located in Manchester and Hooksett New Hampshire. A portion of the properties are located in the town of

Hooksett and a portion of the properties are located in the city of Manchester as the campus sits on the town and city boundary lines. Patrolled property also includes the administrative staff location at the Millyard. The Clery Geography Main Campus (Manchester) map outlines the Department's jurisdiction on campus.

All Campus Public Safety Officers receive in-service training as well as training from the NH or MA State Police/Corrections Academy or the Campus Law Safety Academy. Public Safety officers are non-sworn officers.

The Office of Public Safety is staffed by professional emergency dispatchers or Public Safety officers, operates on a 24-hour basis, and receives calls for emergency and routine service. Communications specialists or Public Safety officers instantly dispatch the appropriate response and have the ability to communicate with local, county, state and federal agencies when required.

A number of well-marked and conveniently located emergency telephones are installed throughout the campus, referred to as "Blue Phones". These telephones ring directly into the Public Safety department when the red button is pushed. The telephones may be used to report a criminal incident, a fire, or other type of emergency, or to request assistance of any kind from the Public Safety department.

Nashua Center

The Aviation Operations Administrator in conjunction with the Director of Public Safety, is responsible for campus security. They have an excellent working relationship with the local police departments. The local police and fire departments provide emergency response as needed. The campus is a single building and whenever open, a staff member is on duty. Telephones are available in the main office. Dialing 9-1-1 will contact the local police/fire and EMS.

Emergency calls should be made to 911 from all campus and off campus telephones. Regular business calls of a non-emergency nature can be made to the Department of Public Safety or to the Center at any time. The following should be provided to the Department of Public Safety or Center:

- Caller's name
- Location and description of the incident being reported
- A description of any vehicles or suspects involved in the incident

The most important thing to remember is that suspicion of a crime does not require proof. If there is suspicion that a crime is being committed or has been committed, call the office of Public Safety or Center Team Lead immediately.

Cooperative Law Enforcement Functions

The SNHU Public Safety Department, although part of a private University, maintains a close working relationship with local, state, and federal law enforcement agencies such as the New Hampshire State Police, New Hampshire Liquor Enforcement, the Federal Bureau of Investigations, and the Secret Service. Public Safety officers and local law enforcement officers communicate regularly on the scene of incidents that occur in and around the campus area. Public Safety officers work closely with local law enforcement investigators when incidents arise that require joint communication efforts. The University has written memoranda of understanding with Manchester and Hooksett police departments. The University does not have written memoranda of understanding with the New Hampshire State Police. Public Safety officers do not have the ability to arrest individuals and rely on law enforcement for arrests.

The SNHU Public Safety Department does not have a uniformed presence at the Nashua Center or a memorandum of understanding with the Nashua police department. Individuals who wish to report any criminal or suspicious behavior are advised to contact the local police department and/or a Campus Security Authority. A CSA will assist them with any issue they may have and if needed, they will facilitate the process of contacting the local police department or the main campus office of Public Safety. The CSA at the Nashua Center is the Aviation Operations Administrator.

Reporting a Crime

A person reporting a crime to the Public Safety Department or a Center CSA also has the right to report the crime to the local police departments by calling 911 in the instance of an emergency. For routine matters call the business phone number for the local police department as follows:

- Main Campus - Manchester Police Department - 603.668.8711
- Main Campus - Hooksett Police Department - 603.624.1560
- Nashua Police Department – 603.594.3500

Public Safety Officers regularly discuss this option with the victim of a crime and will assist the victim with that process.

Confidential Reporting Procedures

Victims of crime who do not wish to pursue action within the University or criminal justice systems can provide a confidential report. A [Confidential Report Form](#) for victims to complete and submit can be found on the Department of Public Safety website. This report will assist in providing an accurate record of the number of incidents involving our community and determining any patterns that may exist, while allowing us to alert the community to any potential danger. Reports filed in this manner are counted and disclosed in the annual statistics for the institution.

Whistleblower Policy

The Higher Education Opportunity Act (HEOA) establishes safeguards for whistleblowers by prohibiting retaliatory action against any individual with respect to the implementation of any provision of the Clery Act. The VP of Human Resources or designee will be assigned to communicate directly and regularly on the progress of the inquiry with the individual raising the allegations. The VP will respond to any concerns about personal retaliation or unfair treatment linked to the raising of such allegations.

Reporting Laws and Policies

Main Campus (Manchester) and Nashua Center

Under New Hampshire state law, University officials must report crimes including hazing, child and elder abuse, and treatment given for gunshot wounds. In addition, there is a duty on the part of employees at SNHU to report suspected cases of sexual harassment, sexual assault, stalking, domestic violence and dating violence of students by employees of SNHU to supervisors and/or other appropriate individuals or offices. New Hampshire has a mandated reporter law for when a person “has reasons to suspect that a child has been abused or neglected” (R.S.A. §169-C:29), which requires timely disclosure to the N.H. Department of Health and Human Services if the victim is under eighteen years of age. A similar reporting law applies to incapacitated and elderly adults. (RSA 161-F:46). New Hampshire also has an anti-hazing statute that requires that any person who is present or otherwise has direct knowledge of any student hazing must report the hazing to law enforcement or educational institution authorities. (RSA 631:7).

While SNHU has no general written policy on confidential reporting that allows the victim or witness to remain anonymous, the Wellness Center provides free, confidential, and accessible assistance in reporting sexual assault, sexual harassment, domestic violence, dating violence, and stalking. Persons wishing to contact Southern New Hampshire University Public Safety anonymously may call (603) 645.9700, or can fill out a [Report a Crime Confidentially form](#).

Voluntary, Confidential Crime Reporting Procedures by Pastoral and Professional Counselors

The staff at the Wellness Center follows guidelines that conform to those established by the American Psychological Association. In addition, relevant federal and state laws are also followed. While the University recognizes various area clergy as Chaplains, there are no specific policies in place regarding reporting of crimes. Chaplains follow policies adopted by their respective churches, as well as relevant laws.

The Counseling Center provides referral information to clients and visitors on a variety of issues, which can include how to voluntarily report crimes on a confidential basis.

Additionally, Wellness Center staff is encouraged to report Clery-reportable incidents internally within the Wellness Center. This data is later provided in an aggregate and de-identified manner as part of the annual Clery reporting process. Should such reports be submitted on a confidential and anonymous manner, staff is encouraged to discuss this report with the respective student with whom they are working.

Drug and Alcohol Policy

Southern New Hampshire University is committed to maintaining an environment of teaching and learning that is free of illicit drugs and alcohol. The Drug-Free Schools and Community Act Amendments of 1989 require that Southern New Hampshire University, as a recipient of federal funds, including federally provided student financial aid, notify its students and employees annually that the unlawful possession, use, or distribution of illicit drugs and alcohol on university property or property rented for the purpose of holding classes is prohibited. In compliance with the requirements of the Drug Free Schools and Communities Act Amendments of 1989, all students and employees of Southern New Hampshire University are notified of the following:

1. The unlawful possession, use, and distribution of illicit drugs and alcohol on any University property or property being used for classes or during university-sponsored activities are prohibited.
2. Students and employees who are found to be in violation of this stated prohibition may be subject to arrest and conviction under the applicable criminal laws of local municipalities, the State of New Hampshire, or the United States. Conviction can result in sanctions including probation, fines, and imprisonment.
3. Students who are found to be in violation of this stated prohibition are subject to discipline in accordance with established university procedures. Discipline may include disciplinary probation or dismissal from the university.
4. Faculty and staff employees who are found to be in violation of the stated prohibition are subject to discipline in accordance with the applicable university employment rules and procedures. Discipline may include probation, suspension, or termination of employment.

In addition to the above requirements, and in accordance with the requirements of the Drug-Free Workplace Act of 1988, all employees are notified that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by university employees on university premises, or off our premises while conducting university business, is prohibited. Violation of this policy will result in disciplinary action, up to and including termination, and may have further legal consequences.

Description of Health Risks Associated with Alcohol and Drugs

Serious health and personal risks are associated with the use of illegal drugs and abuse of alcohol. They may include temporary or permanent physical or mental impairment, and injury or death. Use and abuse of such substances may also give rise to conduct which causes injury, death or damage to the user/abuser or to the person or property of others, resulting in criminal or civil prosecution and liability. Use and abuse of such substances may also lead to unsafe and/or nonconsensual sex, unwanted pregnancy, and may cause defects, injury or death in unborn children. Consequences may also include temporary or permanent loss of educational or employment opportunities.

Alcohol and its Effects on the Body

- Impairment of brain function, judgment, alertness, coordination, and reflexes.
- Attitude and/or behavioral changes, such as uncharacteristic hostility, or increased risk taking, such as driving recklessly.

- Alcohol taken with other drugs can intensify the effects of the drug, alter the desired effect of the drug, cause nausea, sweating, severe headaches and convulsions.
- Addiction or chemical dependency.
- Memory blackouts.
- Uncharacteristic family, school, work and/or legal problems.
- Health problems such as cirrhosis of the liver.
- Birth defects and mental retardation in users' children.

Drugs and Their Effects on the Body

Narcotics (Heroin):

- Initial euphoria followed by drowsiness and nausea.
- Constricted pupils, watery eyes, dazed look.
- Overdose may produce slow, shallow breathing, clammy skin, loss of appetite and weight, and possible death.

Depressants (Barbiturates, Tranquilizers):

- Relaxed muscles, calmness, and drowsiness.
- Confusion, disorientation, slurred speech.
- Overdose may produce shallow breathing, clammy skin, weak and rapid pulse, coma, and possible death.

Stimulants (Cocaine, Methamphetamine):

- Increased heart and respiratory rate, elevated blood pressure, decreased appetite.
- Blurred vision, dizziness, insomnia, anxiety.
- High doses can cause physical collapse, irregular heartbeat, stroke, and possible death.

Hallucinogens (LSD, PCP, Mushrooms):

- Illusions and Hallucinations.
- Confusion, panic, anxiety, depression, and poor perception of time and distance.
- Respiratory failure, death due to careless behavior.

Cannabis (Marijuana, Hashish):

- Increase in heart rate, bloodshot eyes, dry mouth and throat, and increased appetite.
- Interferes with memory, speech, coordination, and perception of time.
- Increased risk of lung cancer, weakened immune system, and affects reproductive system.

Alcohol/Drug Assistance Services

Due to the nature of the University, we utilize a system of community referrals if a learner is in need of services. Staff members are key links in the communities where we are located and a network of medical, psychological, and human service agencies are accessible in local areas. Contact your academic advisor if you need assistance.

Please also visit the New Hampshire Department of Health and Human Services to connect with the following resources:

- The Resource Guide for Alcohol and Drug Prevention and Treatment Services provides a listing of state-funded alcohol and drug abuse prevention and treatment programs and other resources related to alcohol and other drugs.
- Drugfree NH is designed to help individuals, families, and communities to get informed, get involved, and get help.

Federal Drug Laws

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

A. Denial of Federal Benefits 21 U.S.C. 862

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal Drug Trafficking convictions may result in denial of federal benefits for up to 5 years for a first conviction, 10 years for a second conviction, and permanent denial of federal benefits for a third conviction. Federal drug convictions for possession may result in denial of federal benefits for up to 1 year for a first conviction and up to 5 years for subsequent convictions.

B. Forfeiture of Personal Property and Real Estate 21 U.S.C 853

Any person convicted of a federal drug offense punishable by more than 1 year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

C. Federal Drug Trafficking Penalties 21 U.S.C. 841

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million. Persons convicted on federal charges of drug trafficking within 1,000 feet of a university or university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

D. Federal Drug Possession Penalties

Persons convicted on federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000.

New Hampshire State Laws

The legal drinking age in New Hampshire is 21. If you are under 21, it is illegal to

1. have in your personal possession any alcoholic beverages
2. misrepresent your age for purpose of obtaining alcoholic beverages
3. drive in a car having alcoholic beverages except when accompanied by a parent, guardian, or spouse 21 years of age
4. be in an area where alcoholic beverages are served unless accompanied by person 21 years of age

Penalty for violation/conviction may include a fine and/or time in jail.

It is illegal for anyone to

1. sell to, give to, or procure for a minor or an intoxicated individual any alcoholic beverages,
2. charge for alcoholic beverages without a license
3. manufacture, sell, possess or use a falsified ID

4. lend a driver's license to be used for an unlawful purpose
Penalty for violation/conviction may include a fine and/or time in jail.

(DWI) Driving While Intoxicated and (DUI) Driving Under the Influence (New Hampshire)

You may be found guilty of DWI if you drive a vehicle while you have a 0.08% blood alcohol concentration if 21 years of age or 0.04% if under the age of 21 (effective January 1, 1994).

SNHU Wellness Center is available to provide onsite counseling or treatment options; additionally, there are many resources available.

Overview of Alcohol and Other Drug Education Offered by the Wellness Center

HelpU A student assistance program that offers one-on-one coaching and counseling support to students who want to discuss substance use issues. The service can also connect students with community-based resources for more on-going and intensive treatment.

SNHU: How RU? Is a Mental Health, Suicide Awareness and Alcohol and Other Drug Bystander Intervention program offered to students.

Greek Mental Health and AOD Wellness Programs. Partnership with Greek life to provide programming focused around Mental Health Awareness, Suicide Prevention, Stress Management and Alcohol and Other Drug impacts on wellbeing.

Wellness Related Activities with on-campus students Programming geared towards residential students focused on Mental Health, Physical Health, Suicide Prevention and Social engagement

BASICS (Brief Alcohol Screening and Intervention for College Students) is a harm reduction preventative intervention designed for college students 18-24 years old who have high risk substance use patterns and have experienced negative consequences from their use of alcohol or other drugs. BASICS uses motivational interviewing. BASIC interventions can be individually self-paced through an online platform or through individual sessions with a counselor depending on severity of event, risk or use or pattern of risk. It is an intervention strategy that helps a student to look at their high-risk behaviors and work toward lowering their risk level.

Other Programming and Events regarding alcohol and drug education classes and training are conducted as needed throughout the year.

Social Media-Utilization of social media platforms to provide education around Mental Health, Suicide Prevention, Alcohol and Other Drugs and various Wellness related topics

Narcan Training is education and training focused on front-line staff at the University who may be able to respond to a student in the possible case of an opiate overdose.

University Community Resources

CAMPUS BASED: The Office of Human Resources – Belknap Hall - offers confidential assistance with referrals for staff as well as benefit information. The Office of Human Resources – Global Campus – offers confidential assistance with referrals for staff as well as benefit information. The Wellness Center – Student Center - (603) 645-9679 offers limited short-term outpatient service and referral information for students.

COMMUNITY BASED: The Employee Assistance Program (EAP) offered through Anthem provides assessment and referral for a wide range of concerns facing employees and their love ones including substance use disorders. All interactions provided by our EAP are private and confidential. To speak with a consultant please call 1-800-647-9151. If you are covered by the SNHU health insurance (HMO Blue or Blue Choice) you may contact the Behavior Health Network at 1-800-228-5975 for a referral.

These policies are available in the following documents in the Office of Human Resources:

- SNHU Policy Statement
- The Drug-Free Workplace Act of 1988
- Substance Abuse Policy
- Description of the Applicable Sanctions under Local, State, and Federal Laws for the Unlawful Possession or Distribution of Illicit Drugs and Alcohol
- Drugs and Alcohol Treatment and -Counseling Centers
- Health Risks of Drug Use

Summary of Legal Sanctions for the Unlawful Possession or Distribution of Illicit Drugs and Alcohol Provided in Compliance with the Drug-Free Schools and Communities Act

Local, state, and federal laws make illegal use of alcohol and other drugs serious crimes. Conviction can lead to imprisonment, fines and assigned community service. A felony for such an offense can prevent an individual from entering many fields of employment and licensed professions.

New Hampshire Alcohol Laws

Cities and towns in New Hampshire prohibit public consumption of alcohol and impose fines for violation.

New Hampshire laws prohibit (1) sale or delivery of alcoholic beverages to persons under 21 and (2) misrepresentation of one's age or falsifying an identification to obtain alcoholic beverages. A first conviction of driving under the influence has a penalty fine of up to \$2000 and loss of license for not less than 90 days and up to two years. Both offenses are misdemeanors punishable by up to one year in jail and possible fines.

Effective May 24, 2004, New Hampshire passed House Bill 464 which established a criminal penalty for facilitating a drug or underage alcohol house party. The language of this bill states that a person is guilty of a misdemeanor if s/he owns or has control of an occupied structure where a party is held AND continues the party knowing that people under the age of 21 possess or intend to consume alcoholic beverage or use controlled drugs at the party.

Unlawful Possession

Any person under 21 years of age who has in their possession any alcoholic beverages is guilty of a violation and will be fined a minimum of \$250. Any second and/or subsequent offenses will be fined at least \$500.

A penalty assessment fee of 17% will be added to the above fines.

If you are under the age of 21 and are found guilty of illegal possession of alcohol, you will be given a probationary driver's license until 21 years of age. Any subsequent alcohol violations will result in suspension of driver's license.

It is a violation for a minor not only to possess alcohol, but also to be intoxicated or have a BAC level of .02 or more (internal possession of alcohol). Penalty: a fine and may suspend driver's license or privilege to drive.

Keg Registration Law

Law requires sellers of keg beer to create a record of purchases and to obtain the identity of the purchaser. Sellers will attach a unique label to the retail keg which will enable law enforcement to determine the identity of the seller as well as the purchaser. If contents of the keg are consumed by a minor, law enforcement will have an avenue to identify the purchaser of the keg. Any person who removes the label shall be guilty of a violation which is punishable by a \$1,000 fine.

New Hampshire Controlled Substances Laws

New Hampshire has criminal penalties for the illicit use of controlled substances (or "drugs"), with penalties varying with the type of drug. In general, narcotics, addictive drugs, and drugs with a high potential for abuse have heavier penalties.

CONTROLLED DRUGS INCLUDE: Amphetamines, barbiturates, cocaine, crack, D.M.T, hallucinogens, marijuana, mescaline, narcotics, opiates, psilocybin, tranquilizers, and all other drugs of a similar nature which are either outlawed outright or illegal when not prescribed by a physician.

Possession of drugs is illegal without valid authorization. While penalties for possession are generally not as great as for manufacture and distribution of drugs, possession of a relatively large quantity may be considered distribution. Under both state and federal laws, penalties for possession, manufacture and distribution are much greater for second and subsequent convictions. Many laws dictate mandatory prison terms and the full minimum term must be served.

Persons convicted of drug possession under state or federal law may be ineligible for federal student grants and loans for up to one year after the first conviction and five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first, 10 years after the second and permanently after the third conviction.

Federal Controlled Substances Laws

Under Federal law, distribution of drugs to persons under age 21 is punishable by twice the normal penalty with a mandatory one year in prison; a third conviction is punishable by **mandatory life imprisonment**. These penalties apply to distribution of drugs in or within 1,000 feet of a College or School. Federal law sets greatly heightened prison sentences for the manufacture and distribution of drugs in or within 1,000 feet of a college or school. Federal law sets greatly heightened prison sentences for the manufacture and distribution of drugs if death or serious injury results from use of the substance.

Substance	Amount	Penalty – First Conviction
Heroin	1 kg or more	Prison: not less than 10 years, Not more than life. Fine: up to \$4 million
Cocaine	5 kg or more	
Crack Cocaine	50 gm or more	
Methamphetamine	100 gm or more	
PCP	100 gm or more	
LSD	10 gm or more	
Marijuana	1000 kg or more	
Heroin	100-999 gm	Prison: not less than 5 years, Not more than 40 years. Fine: up to \$2 million.
Cocaine	500-4,999 gm	
Crack Cocaine	5-49 gm	
Methamphetamine	10-99 gm	
PCP	10-99 gm	
LSD	1-10 gm	
Marijuana	100-1000	
Amphetamines	Any amount	Prison: up to 5 years. Fine: up to \$250,000
Barbiturates	Any amount	
Marijuana	50-100 kg	Prison: up to 20 years. Fine: up to \$1 million
Hashish	10-100 kg	
Hash Oil	1-100 kg	
Marijuana	Less than 50 kg	Prison: up to 5 years. Fine: up to \$250,000
Hashish	Less than 10 kg	
Hash Oil	Less than 1 kg	

Missing Student Notification Procedures

If a member of the Southern New Hampshire University Community has reason to believe that a resident student is missing, he or she should immediately notify the SNHU Public Safety Department. Public Safety will begin an investigation into the student's whereabouts. Public Safety will notify the Manchester or Hooksett Police Departments, depending on where the student resides, within 24-hours of the determination that a student is missing. If a student has been determined missing for more than 24 hours, in addition to the above notifications, specific procedures to follow include: contacting the student's RA, checking with emergency health care providers and taking such other investigative actions as are appropriate under the circumstances. The University will implement these procedures in less than 24 hours if circumstances warrant a faster implementation.

In addition to registering a general emergency contact, all registered resident students have the option to identify confidentially an individual to be contacted by SNHU in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, SNHU will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so through [SNHU's Missing Student Contact Registration Form](#) located on the Public Safety Portal.

A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation. After investigating a missing person report, should Public Safety determine that the student has been missing for 24 hours, Public Safety will notify the Manchester or Hooksett Police Departments and the student's confidential contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, SNHU will notify the student's parent or legal guardian immediately after Public Safety has determined that the student has been missing for 24 hours. If the minor student has registered an additional contact person, SNHU will also notify the student's registered contact person.

The Public Safety Department will continue to assist all outside agencies in the investigation as needed.

Any questions or concerns regarding a student who is missing or appears to be missing should be referred to the Department of Public Safety.

Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Southern New Hampshire University is committed to providing an environment free from sex discrimination. Sexual harassment, which also includes sexual violence and assault, are forms of sex discrimination, and are prohibited at the University. Other behaviors can also be forms of sex-based discrimination, and are also prohibited, whether sexually based or not, and include dating violence, domestic violence, sexual assault, and stalking. Victims of these behaviors are protected by federal laws, specifically Title IX and the Clery Act, which mandates the contents of this report.

The University's Sexual Misconduct Policy outlines the University's policies and procedures regarding sexual misconduct, which includes sexual harassment or sexual violence of any kind. The University prohibits rape, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking, as well as discrimination or harassment based on sex. Sexual misconduct is prohibited whether occurring on or off campus and whether directed against a member of the University community or outside the community.

Definitions

Federal and state laws and regulations and University policies each provide definitions for sexual assault, sexual misconduct, dating violence, domestic violence, and stalking. Sometimes these definitions differ. State definitions are used by police and prosecutors to determine if a crime has been committed in the state. Where the federal regulations governing sex discrimination within education program or activities do not require a specific definition, the University generally models its policy definitions from state law, but there may be some differences. For purposes of Clery, the University provides state law definitions as required. However, University policy definitions are used to determine whether there have been Student Conduct violations and these definitions control whether University

remedies or sanctions will be imposed.

The following are University sexual misconduct policy definitions and include definitions as required by the federal Title IX regulations and New Hampshire state law definitions as articulated in the Sexual Misconduct Policy.

Consent

Consent is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement.

Consent is an affirmative, conscious decision – indicated clearly by words or actions - to engage in mutually accepted sexual contact. A person forced to engage in sexual contact by force, threat of force, or coercion has not consented to contact. Coercion includes unreasonably pressuring another to engage in sexual activity. Lack of mutual consent is the crucial factor in any sexual misconduct. Consent to some form of sexual activity does not necessarily constitute consent to another form of sexual activity. Silence without demonstrating permission does not constitute consent.

Consent is not valid when a person is incapacitated, or when an intellectual or other disability prevents a person from having the capacity to give consent. A person is incapacitated if they lack the capacity to consent to sexual activity because the person is asleep, unconscious, mentally and/or physically helpless, or otherwise unaware that sexual activity is occurring. Incapacitation is not necessarily the same as legal intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person. The New Hampshire age of consent is 16 years old and a person under 13 years of age cannot consent to sexual contact

Dating Violence

"Dating Violence" includes violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. the length of the relationship
 - b. the type of relationship
 - c. the frequency of interaction between the persons involved in the relationship

Domestic Violence

The State of New Hampshire defines domestic violence as the commission or attempted commission of one of the following offenses against a victim who is a family or household member or a current or former sexual or intimate partner of the offender:

- assault or reckless conduct
- criminal threatening
- sexual assault
- interference with freedom
- destruction of property
- unauthorized entry,
- harassment, and
- cruelty to animals.

The offense or attempted offense must represent a credible threat to the safety of the victim. This may require consideration of all acts by the perpetrator that reflect an ongoing pattern of behavior which reasonably causes or has caused the victim to fear for his or her safety or well-being: (RSA 173-B:1; 173-B:10)

Gender-Based Harassment

“Gender-based harassment” is unwelcome conduct of a nonsexual nature based on a student’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

A “hostile environment” exists when sex-based harassment is sufficiently serious to deny or limit the student’s ability to participate in or benefit from the University’s programs or activities.

Rape

Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend.

Sexual Assault

New Hampshire law defines three levels of Sexual Assault: Sexual Assault, Felonious Sexual Assault, and Aggravated Felonious Sexual Assault.

Sexual Assault (RSA 632-A:4) means unwanted or unwelcome touching of a sexual nature, including: fondling; penetration of the mouth, anus, or vagina, however slight, with a body part or object; or other sexual activity that occurs without valid Consent.

Felonious Sexual Assault (RSA 632-A:3) includes the offense often referred to as the “statutory rape law,” which involves sexual penetration of a person between the ages of 13 and 16 when the age difference between the actor and the other person is 4 years or more. It also applies when a person is in a position of authority over another and coerces that other person to engage in sexual contact with the actor or with him/herself in the actor’s presence.

Aggravated Felonious Sexual Assault (RSA 632-A:2) is defined as a Sexual Assault under certain circumstances, including but not limited to: use or threat of physical violence or superior physical strength on the victim, coercion by threatened retaliation against the victim or another person, submission under false imprisonment, kidnapping or extortion, or sexual assault after the administration without prior consent of an intoxicating substance which incapacitates the victim.

Sexual Harassment

Sexual harassment includes “unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature” such as intentional patting, pinching, touching or other sexually suggestive behavior that is sufficiently serious to deny or limit a student’s ability to participate in or benefit from the education program. Sexual harassment occurs when:

1. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or educational experience, creating an intimidating or hostile employment, educational or living environment for an individual; or
2. Such conduct has the purpose or effect of abusing, threatening, or intimidating an Associate or student through insulting or degrading sexual remarks or conduct; or
3. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment or of a student’s status in a course, program or activity; or
4. Submission to or rejection of such conduct is the basis for academic or employment decisions affecting an individual; or
5. Such conduct is directed against an individual persists despite requests for its cessation and/or when a claim of sexual harassment has resulted in retaliation against Associates/students for complaining about such behavior.

Stalking

Under New Hampshire state law (RSA 633.3), Stalking occurs when a person:

1. engages in a course of conduct or repeatedly commits acts toward another person, under circumstances that would place the person in reasonable fear for safety, or of harm or bodily injury to self or others; or

2. engages in a course of conduct that the person knows will place that individual in fear for his or her personal safety or the safety of that individual's immediate family; or
3. after being served with a protective order prohibiting contact with an individual, purposely, knowingly, or recklessly engages in a single act of conduct that is included in the "Course of Conduct" definition below.

A course of conduct refers to a pattern of behavior of two or more acts over a period of time that include any of the following acts:

1. Threatening the safety of the targeted person or an immediate family member.
2. Following, approaching, or confronting that person, or a member of that person's immediate family.
3. Appearing in close proximity to, or entering the person's residence, place of employment, school, or other place where the person can be found, or the residence, place of employment or school of a member of that person's immediate family.
4. Causing damage to the person's residence or property or that of a member of the person's immediate family.
5. Placing an object on the person's property, either directly or through a third person, or that of an immediate family member.
6. Causing injury to that person's pet, or to a pet belonging to a member of that person's immediate family.
7. Any unwelcome act of communication as defined in N.H. RSA 644:4, II, including through email, text, phone, mail, etc.

Unwelcome Conduct

Conduct is considered "unwelcome" if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.

Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that an individual may have welcomed some conduct does not necessarily mean that they welcomed other conduct. Also, the fact that a person requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

Prevention and Education Awareness Trainings

The University is strategic in its efforts to promote a safe and secure campus environment and reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, stalking, and dating and domestic violence. This is done by utilizing a range of campaigns and initiatives to promote awareness, and through education, risk reduction, and prevention programming. Incoming students and employees are required to participate in these in trainings, and members of the University community are encouraged to participate throughout the year in ongoing campaigns and trainings focused on the prevention of sexual misconduct on campus. Some trainings are offered online and some trainings are offered in-person for both students and employees.

It is the policy of the University to offer programming to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year. Educational programs are offered to raise awareness for incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. Programs and other campaigns offered throughout the year to students and

employees include strong messages regarding not just awareness and education regarding sexual misconduct, but also primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies on sexual misconduct as well as the state definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. Programs also offer information on risk reduction that strives to empower victims, on how to recognize warning signs and avoid potential attacks, and do so without victim-blaming. Some of the programs offered are:

- Sexual Assault presentation to freshman students during first days
- Annual Sexual Assault training to RA's
- Bystander Intervention training to RA's and Student Leaders
- Clothesline Project
- C is for Consent
- Domestic Violence Awareness-collaboration with YWCA

Programs are informed by evidence-based research and/or are assessed for their effectiveness.

Bystander intervention is the act of assisting someone in an emergency or non-emergency situation. Bystander intervention is encouraged through safe and positive intervention techniques and by empowering third-party intervention. This includes calling for help, being an ally and identifying other allies, empowering peers to seek assistance, and/or creating distractions. Bystander intervention training highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose, and motivates them to intervene as stakeholders in the safety of the community when others might choose to do nothing. Bystanders are told to evaluate the risk and call 911 if intervening would put themselves in danger.

General Safety Tips

When you park:

- Lock ignition and remove keys.
- Close and lock windows and doors.
- Keep all valuables out of sight; use the trunk whenever possible.
- Choose a well-lit area to park at night.
- When returning to your vehicle, have your keys ready and check interior before entering.

When you walk:

- Try not to walk alone at night.
- Do not take shortcuts; travel well-lit busy routes.
- If you feel like you're being followed, change directions and head for an area with lights and people.
- If you are in trouble, SCREAM!!! It's your number one defense.

When you report suspicious persons or incidents:

- **Call 911 or a university official** and stay on the phone while it is safe or until told otherwise.
- Supply address of the incident.
- Give number of individuals who are involved.
- Describe what is happening.
- Obtain a description of suspects (approximate age, height, weight, complexion, clothing)
- Notice if any weapons are involved.

When you drive:

- Do not pick up hitchhikers.
- Keep doors locked; be alert at traffic stops.
- Do not lower windows for strangers; demand credentials.
- If stalled, ask for aid through a cracked window; remain in your vehicle.
- Travel well-lit streets.

If you are the victim of sexual misconduct, gender-based violence, or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

- Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact the office of Public Safety at 603.645.9700 if you are on the Main Campus (Manchester) or call 911 if you are off campus. Nashua Center students may call 911 or contact:
 - Nashua Center – Domenic Lafauci 603.665.7323
- Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
- If you are a student of the Main Campus (Manchester), during regular business hours you may go to the Wellness Center which is located in the student center to speak with a licensed mental health counselor for support and guidance. After regular business hours, or in any situation where a victim wishes, local resources are also available and may be able to provide confidential assistance. You can contact the on-call Wellness Counselor by calling the Wellness Center at 603.645.9679 and selecting option 3. You may also contact the University's counseling provider, HelpU, at 800-327-2251 or logging in at portal.bhsonline.com. You may also contact the local rape crisis center YWCA NH 24-hour crisis line at 603.668.2299 or the New Hampshire Sexual Assault Hotline at 800-277-5570 or the New Hampshire Domestic Violence Hotline at 866-644-3574, which are confidential resources.
- If you are a student at the Nashua Center, Bridges Domestic and Sexual Violence Support offers confidential and accessible assistance in reporting sexual abuse or domestic violence. You can contact Bridges at 603-889-0858 between 8:30 a.m. and 4:30 p.m. or their 24hr crisis line at 603-883-3044. Bridges offers access to antibiotics to prevent the spread of some STDs as well as emergency contraceptives to prevent unwanted pregnancy.
- Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet to avoid contamination.
- If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
- Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
- Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.
- If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify the office of Public Safety at 603.645.9700, or the campus Title IX Coordinator at 603.644.3188, or a Nashua Center CSA so that those orders can be observed on campus.
- Even after the immediate crisis has passed, consider seeking support from a licensed mental health counselor at the support locations listed above.

It is the policy of the University not to notify local law enforcement when sexual misconduct occurs unless a victim wishes or there is an emergency threat to health or safety. Victims have the option to notify law enforcement and Public Safety directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to local law enforcement, but will also respect a victim's request not to do so.

In the event that sexual misconduct, gender-based violence, or the crimes of sexual assault, stalking, dating violence, or domestic violence do occur, the University takes the matter very seriously. The University employs interim protection measures such as interim suspensions and/or restricted contact orders in any case where a student's behavior represents a risk of violence, threat, pattern, or predation. If a student is accused of sexual misconduct, other gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, they are subject to action in accordance with the Student Code of Conduct in the Student Handbook. A student wishing to officially report such an incident may do so by contacting the Title IX Coordinator, any Official With Authority, or any Required Reporters. An Official with Authority is an employee of the University explicitly vested with the responsibility to implement corrective measures for harassment or other conduct prohibited by the University's Title IX and Sexual Misconduct Policy, including Residence Life personnel, athletic coaches and athletic directors, Deans of Students and Academic Deans, and the University President. A Required Reporter is a University employee who is obligated by policy to share knowledge, notice, and/or reports of Sexual Harassment, Sexual Misconduct, or Retaliation with the Title IX Coordinator.

The University encourages community members to report incidents of sexual misconduct. Reporting allows the University to quickly respond to allegations and offer immediate support to the victim. The University is committed to protecting the confidentiality of victims, as permitted under law, and will work closely with students who wish to receive confidential assistance regarding an incident of sexual misconduct. Certain professionals at the University are permitted by law to offer confidentiality. Those who are unable to offer confidentiality are expected to keep reports private to the extent permitted under the law and University policy. This means that they may have to report to University officials, but will not share the information beyond what is required by law and policy. There are times when the University may not be able to honor a victim's request for confidentiality in order to provide a safe, non-discriminatory environment for all members of the University community.

Regarding confidentiality, certain publicly available reporting and disclosure requirements necessitate the need to report sexual misconduct reports, but do not include personally identifiable information about the victim. Any accommodations or protective measures provided to the victim will be confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

All allegations will be thoroughly reviewed and appropriately investigated in a prompt manner, and both the complainant and the accused will be afforded equitable rights during the process.

Assistance for Victims

The Title IX Coordinator provides assistance with University-related concerns, such as no-contact orders or other protective measures. The Title IX Coordinator will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The University is able to offer reasonable academic supports, changes to living arrangements, escorts, restricted contact orders, counseling services access, and other supports and resources as needed by a victim. The University is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.

- Title IX Coordinator
 - Kristin Scaduto
 - 603-644-3188
 - titleix@snhu.edu or k.scaduto@snhu.edu
- Deputy Title IX Coordinator

- Kelly Lockwood
- 603-314-1419
- K.lockwood@snhu.edu

Victims of sexual misconduct, gender-based violence, or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, have the following support options available to assist them.

Emotional Support

Attending to one's emotional health can be an essential part of their healing process. The following support services are available to assist victims.

Main Campus (Manchester)

- The Wellness Center
 - Located in the Robert A. Freese Student Center, 603.645.9679
 - Services include confidential emotional support, individual and group counseling, consultation, connection to medical services, and referral to off campus resources.
 - As licensed counselors, no personal information is shared without your permission, unless specifically required by law.
- Deborah L. Coffin Women's Center
 - Womenscenter@snhu.edu, 603.668.2211 ext. 2793
 - Services include advocacy, support, referrals to confidential support services, and victim-centered resources.
- YWCA Crisis Service (Off-campus confidential resource)
 - 72 Concord Street, Manchester, NH 03101
 - Crisis Line: 603.668.2299
 - Tel: 603.625.5785
- Crisis Center of Central NH (Off-campus confidential resource)
 - Crisis Line: 866.841.6229
 - Tel: 603.225.7376

Nashua Center

- Bridges Domestic and Sexual Violence Support (Off-campus confidential resource)
 - 33 East Pearl St., Nashua, NH 03060
 - Crisis Line: 603.883.3044
 - Tel: 603-889-0858
 -

Medical Care

Medical care can be critical for assessing a victim's overall health needs, including testing for sexually transmitted infections and pregnancy, and collecting evidence which may be used in legal proceedings. Staff at these facilities are specially trained and sensitive to a victim's needs and concerns in getting medical care.

Main Campus

- The Wellness Center
 - Provides testing for sexually transmitted infections, HIV testing, education regarding emergency contraceptive services, and confidential counseling.
 - Assists students who would like to receive medical care at local hospitals.
- Elliot Hospital
 - 1 Elliot Way, Manchester, NH 03103
 - Provides treatment for injuries and sexually transmitted infections, and rape kit assessments with a sexual assault nurse examiner.

- Catholic Medical Center
 - 100 McGregor St., Manchester, NH 03102
 - Provides treatment for injuries and sexually transmitted infections, and rape kit assessments with a sexual assault nurse examiner.

Nashua Center

- Southern New Hampshire Health
 - 8 Prospect St., Nashua, NH 03060
 - Provides treatment for injuries and sexually transmitted infections, and rape kit assessments with a sexual assault nurse examiner.
- St. Joseph Hospital
 - 172 Kinsley St., Nashua, NH 03060
 - Provides treatment for injuries and sexually transmitted infections, and rape kit assessments with a sexual assault nurse examiner.

Procedures for Reporting a Complaint

The University has procedures in place to support those who report sexual assault, domestic violence, dating violence, and stalking. A community member wishing to officially report such an incident may do so by contacting the Title IX Coordinator, the deputy Title IX Coordinator, Required Reporter or any Official with Authority.

When the University first receives notice or a complaint of an incident of sexual misconduct, the Title IX Coordinator is notified and the victim is provided with a written notification of resources both within the institution and the community, which will include a number of their rights and options, including, but not limited to:

- speaking with a counselor on or off campus;
- seeking medical assistance;
- seeking mental health assistance;
- seeking victim advocacy and/or legal assistance;
- visa and immigration assistance;
- student financial aid assistance;
- reporting the incident to local law enforcement;
- filing a formal complaint with the University; and/or
- requesting accommodations which can include:
 - changes to academic, living, transportation, and working situations or protective measures.
 - The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to Public Safety or local law enforcement.
 - These supportive measures are available to both the Complainant (victim) and Respondent

The University has two available grievance procedures available to students and employees who are the victim of a sex-based offense. The Title IX Sexual Harassment grievance procedure is available to students and employees who are subject to qualifying allegations of Sexual Harassment, including sexual assault, dating violence, domestic violence and stalking. The Sexual Harassment Grievance procedures addresses other instances of sexual misconduct which does not qualify as Sexual Harassment per Title IX regulations or meet qualifying jurisdictional requirements.

Upon notice or a complaint of an alleged violation of the Title IX and Sexual Misconduct policy, the Title IX Coordinator engages in an initial assessment, including determining whether the complainant wants to file a formal complaint. Upon notice, the Title IX Coordinator will inform the victim, in writing, that they may file a formal complaint and advise the victim. Upon receipt of a formal complaint, the Title IX Coordinator will reach out to the complainant, offer supportive measures if not already provided, advise complainant of their right to an Advisor, and assess with the complainant whether they are interested in pursuing an informal resolution process, interested in supportive measures only, or a formal investigation and grievance process. If the Complainant does not want to pursue a Formal Complaint, the Title IX Coordinator may, at their discretion, initiate a Formal Complaint if they deem it appropriate

and will consider, among other factors, whether a pattern of alleged conduct necessitates an investigation.

Interim Measures and Accommodations

If necessary, the University will take immediate steps to protect students before the final outcome of an investigation through supportive measures. Supportive measures available at the University include, but are not limited to:

- Restricted Contact order;
- temporary administrative suspension;
- restrictions on participation in a team or organization; or
- accommodations.

The University offers appropriate and reasonable supportive measures to either party upon notice of alleged violations of the Title IX and Sexual Misconduct policy. Either party, the victim or respondent may request an academic accommodation or change in residence hall after a report of sexual misconduct. Any individual who makes a request will receive an appropriate and reasonable accommodation. The accommodations are available regardless of whether the victim chooses to report the crime to Public Safety or local law enforcement, or files a Formal Complaint with the University.

Possible requests include:

- the ability to change academic schedules or work schedules;
- withdraw from or retake a class without penalty;
- access academic support such as tutoring services; and
- change residence hall assignments.

The University will implement measures in a way that does not unreasonably burden the other Party.

The University maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures. Typically, if faculty members or administrators are asked to provide accommodations for a specific student, they are told that such accommodations are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is. Irrespective of state law or public records access provisions, information about victims is maintained privately in accordance with Title IX and FERPA.

After receipt of a Formal Complaint, the Title IX Coordinator or an assigned Deputy Coordinator will determine if the allegations contained in the complaint would, if proven true, create a violation of the University Sexual Misconduct Policy. The University must dismiss a complaint if it is determined that the conduct alleged in the formal complaint would not constitute Sexual Harassment as defined by the Sexual Misconduct Policy, even if proved, and/or the conduct did not occur in an educational program activity controlled by the University or the University does not have control of the Respondent, and/or the conduct did not occur in the United States. If dismissed under the Title IX policy, a complaint may be investigated under the Sexual Misconduct policy.

If the allegations would create a violation, the Title IX Coordinator will appoint an investigator from the Grievance pool. If the Title IX Coordinator determines that the allegations, if true, would not be a violation of the Policy, the complainant will be provided with other support options, but the Title IX Coordinator will not pursue any further investigation or discipline under this Policy at that time.

The dismissal of a complaint is appealable by any party. If a complaint is withdrawn by a complainant, they may later request to reinstate or refile the complaint.

Timeframe for Response Process

The University will conduct a timely review of all complaints of sexual misconduct. If there are no extenuating circumstances, review and resolution of the incident is expected to take place within 60-90 business days from when the formal complaint is first received.

An appeal of the results must be submitted within seven (7) business/school days of the delivery of the Notice of Outcome. Absent extenuating circumstances, decisions on appeals are typically issued within seven (7) days of the date of receipt of the appeal.

All deadlines and time requirements in the Policy may be extended for good cause as determined by the Title IX Coordinator, or another person who has been assigned to make the determination. Both the complainant and the respondent will be notified in writing of the delay, the reason for the delay, and provided the date of the new deadline or event. Extensions requested by one party will not be longer than 5 business/school days.

Investigation Process

If a Formal Complaint is received and the complaint does not require mandatory dismissal, as described above, the Title IX Coordinator appoints investigators to conduct a prompt, fair and impartial investigation. During the investigation the investigators may interview appropriate parties or witnesses, and may review evidence, including available police reports.

All investigations will be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation process that protects the safety of victims and promotes accountability. Any member of the University community who knowingly makes a false statement to the investigators, during the course of the investigation, may face disciplinary action.

The investigators will complete an investigation report within a reasonable time period after starting the investigation. The investigation report will fully summarize the investigation, all witness interviews and address all relevant evidence, including appendices of physical and documentary evidence. Upon completion of the investigation report, each party may review and provide written comments on the investigation report, as well as inspect and review all evidence obtained as part of the investigation that is directly related to the alleged misconduct. The investigators will incorporate relevant feedback from the parties' written responses into the final investigation report with documentation of rationale for any changes made after the review and comment period. Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the Parties, the Title IX Coordinator will refer the matter for a hearing.

An investigative report completed as part of this process is a fact-finding report that will not include a recommendation of sanctions to the hearing decision-maker(s). The hearing decision maker(s) will determine during the hearing whether or not sanctions are to be imposed on the accused. The report is mandatory evidence for the hearing, and will be presented to the hearing decision maker(s) by the investigators.

If the Title IX Coordinator decides the information in the report does not merit a referral for a hearing, he or she will inform both the complainant and the accused simultaneously by email to their SNHU email accounts of the decision. That email will include the option of Independent Charges and notice that the investigation may be re-opened at the discretion of the Title IX Coordinator if new evidence is presented, new information comes to light, or a violation of another SNHU policy or another section of the Sexual Misconduct Policy are discovered.

Hearing

If the matter moves forward, a hearing will be conducted following the process outlined in the Student Handbook and in the Sexual Misconduct Policy. All hearings involving allegations of sexual misconduct will be conducted by officials with annual training related to domestic violence, sexual assault, and stalking, and on processes that protect the safety of victims and promote accountability.

The complainant and the accused may be assisted by an advisor of their choice, including an attorney during the investigation process, disciplinary hearings, any mediation, and related meetings. If either party elects, The Title IX Coordinator will assign a trained advisor for either party. An advisor from the grievance pool will be trained by the University in the resolution process and is designated as a confidential resource advisor under New Hampshire Law. The University cannot guarantee equal advisory rights, meaning if one party selects an Advisor who is an attorney, the University is not

obligated to provide an attorney for the opposing party. Both parties may offer witnesses and may produce other evidence for the hearing decision maker(s) to evaluate. Both parties are responsible for presenting evidence on their own behalf. Either party may request a brief recess, or break, to consult with their advisor which will be granted at the discretion of the hearing officer. Advisors may speak privately to their advisee, during the proceeding, but may not present evidence, raise objections, or address the Board, during the hearing. Advisors, however, are required to conduct cross-examination of witnesses and the other party only when a violation of the Title IX policy is alleged. No cross-examination is permitted if the violation alleged falls under the Sexual Misconduct policy. When cross-examination is permitted, if a party refuses to submit to cross-examination, their testimony may not be relied on by the Decision-maker(s) with limited exceptions.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all Parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the Parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The investigation and records of the resolution conducted by the University are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation is maintained in accordance with New Hampshire law and the federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of victim or information that could easily lead to a victim's identification.

Once complete, the parties will be informed simultaneously, in writing, of the outcome, including the finding, the sanctions (if any), and the rationale therefor.

Sanctions

The University considers Sexual Misconduct violations as extremely serious. Depending on the severity of the case and the student's prior conduct history, a student may receive any of the following sanctions:

- Interim Removal from Housing (pending a hearing)
- Interim University Suspension (pending a hearing)
- Reprimand
- Warning
- University Probation (typically ranging from one semester to the end of a student's SNHU career)
- University Suspension (typically a minimum of one semester)
- University Expulsion/Dismissal
- Campus Ban

The student may receive any of the following educational sanctions:

- Readings and written reflection
- Diversity education
- Ethics workshop
- Follow-up meetings with campus administrator
- Mandated assessment with the Wellness Center
- Sanction designed by the hearing officer/hearing board

Additionally, a student may also be sanctioned with any of the following:

- Restricted contact order
- Occupancy restriction
- Residential ban
- Residential relocation
- Suspended guest privileges

- Restitution of damages
- Deferred removal from housing
- Removal from housing

These sanctions are in addition to any Wellness-related sanctions that may be appropriate, if there are drugs or alcohol involved in a situation:

- Alcohol Education Class
- CHOICES Class
- Prime for Life Class
- Marijuana Education Class
- Individual meetings with Wellness Center staff

Protective Measures

Following an allegation of sexual misconduct, the University will offer the victim protective measures such as:

- Interim measures, including but not limited to, change in housing, class schedule, escorts by Public Safety, and restricted contact orders for the complainant and respondent
- Protection against retaliation

Evidentiary Standard in Sexual Misconduct Complaints

The burden of proof in all cases of Sexual Misconduct is “the preponderance of the evidence” standard. This standard means whether it is “more likely than not” that the sex discrimination, dating violence, domestic violence, sexual assault, or stalking occurred. If the evidence presented meets this standard, then the respondent must be found responsible for sexual misconduct violation.

Notice to Parties

Both the complainant and the accused will be informed, simultaneously, in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official University records, or emailed to the Parties’ University-issued email or otherwise approved account. Once emailed, mailed, and or/received in person, notice will be presumptively delivered. The notification will include:

1. Identification of the allegations potentially constituting sexual harassment or misconduct
2. A description of the procedural steps taken from the receipt of the formal complaint through the hearing(s) held
3. Findings of Fact supporting the final determination
4. Conclusions regarding the application of the University policy to the Facts
5. Rationale for the result of each allegation, including a final determination of responsibility, any disciplinary sanctions imposed, and whether remedies are designed to restore or preserve equal access to the recipients’ educational program or activity
6. The University’s appeal process, the bases for such appeal and the rights of both parties to appeal the results
7. When results will become final

Rights to Appeal

Both parties have the right to appeal a decision. Appeals must be submitted in writing to the Title IX Coordinator within seven (7) business days of the delivery of the outcome notification, and are only to be allowed on the limited grounds of:

- Procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time the Final Determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

Retaliation Policy

Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. The University does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the campus Title IX Coordinator and/or to officials of the U.S. Department of Education.

Campus Sex Crime Prevention Act and Duty to Report

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

Main Campus (Manchester) and Nashua Center

In New Hampshire, pursuant to TITLE LXII of the New Hampshire Criminal Code chapter 651-B, convicted sexual offenders are required to report their current mailing address, place of residence or temporary domicile, and place of employment or schooling to the local law enforcement agency within 5 days after the person's release from custody following conviction, or within 5 days after the person's date of establishment of residence, employment or schooling in New Hampshire if convicted elsewhere. The reporting continues annually within 5 days after each anniversary of the person's date of birth and every 3 or 6 months thereafter depending on the tier of the offense convicted of, and additionally within 5 days after any change of address or place of residence.

Any nonresident sexual offender or offender against children who enters New Hampshire for the purpose of employment, with or without compensation, or to attend any public or private educational institution for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year is required to report to the local law enforcement agency having jurisdiction over the place of employment or school within 5 days of the nonresident offender entering the state for employment or schooling, and additionally within 10 days after any change of place of employment or schooling. In the event a nonresident offender is required to register, but does not have a principal place of employment, the offender must register with the department in Concord. Upon the nonresident offender's initial registration, the local law enforcement agency or the department notifies the offender of the offender's duty to report under this chapter.

The offender reports the address of her/his place of employment or schooling while in the state, the address where s/he resides out of state, and other information required by department rules adopted in accordance with RSA 651-B: 8. The reporting continues annually within 5 days after each anniversary of the person's date of birth, and additionally within 10 days after any change of address or place of employment or schooling. The offenders address status is monitored through the mailing of a non-forward able verification form to the offender's last reported address every 90 days.

The Main Campus (Manchester) falls under the jurisdiction of the Manchester and Hooksett Police Departments, and the Nashua Center falls under the jurisdiction of the Nashua Police Department. Each police department is responsible for maintaining a current list of Sexual Offenders required to register in their perspective areas.

Availability of Information to the Public

(Convicted of a violation or attempted violation)

The information available to the public is broken down by city or town and includes the sexual offender's name, address, offense, and court date. Information is available the [New Hampshire Registration of Criminal Offenders website](#). The existing provisions of TITLE LXII of the New Hampshire Criminal Code chapter 651-B address the specific requirements of the federal law known as the Adam Walsh Child Protection and Safety Act of 2006 (42 USC 16921).

Uniform Crime Reports

Southern New Hampshire University maintains uniform crime reporting data and reports all crimes within the criteria established by the Uniform Crime Reporting System (NIBRS) and the Federal Bureau of Investigation.

Disclosure to Alleged Victims of Crimes of Violence to Include Sex Offense

Southern New Hampshire University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of the hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Southern New Hampshire University will provide the result of the hearing to the victim's next of kin, if so requested. SNHU discloses the results of hearings involving sexual harassment, sexual violence, stalking, and intimate partner violence to the parties in writing, without significant delay between the notifications. Such notifications indicate when a decision is final, any changes that occur to the finding or sanctions before they are final, and procedures for appeal.

For more information about safety on the SNHU campus, contact the Office of Public Safety (603) 645-9700 to discuss your questions and concerns.

Annual Fire Safety Report

Only the Main Campus (Manchester) is a residential campus and included in the annual fire safety report.

Fire Safety Disclosures

A fire is any instance of an open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Where to Report a Fire

All fires must be reported to the Public Safety Department at 603-645-9700 even if the fire is out and regardless of the size of the fire. Provide as much information as possible about the location and possible cause of the fire.

If anyone finds evidence of a fire that has been extinguished, and that person is unsure if the Public Safety Department has already been notified, that person should immediately notify the Public Safety Department so that the incident can be documented and investigated.

Fire Log

Daily Crime and Fire Logs are available for review during normal University business hours (8am to 4:30pm, Monday through Friday, except holidays and emergency closures) at the Public Safety office, located at Morrissey House 2503 North River Road. The information in the crime and fire log relative to fires typically includes information about fires that occur in residential facilities, including the nature, date reported, date and time, and general location.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes and updated information regarding previously reported crimes are entered into the daily crime and fire log within two business days of when it is reported to Public Safety. The Public Safety Department makes the daily crime and fire log for the most recent 60-day period open to public inspection during normal business hours. Additionally, any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request.

Fire Protection and Prevention

Southern New Hampshire University's residential and non-residential buildings are thoroughly equipped with combinations of sprinkler systems, smoke and heat detectors, fire hose connections, and extinguishers which are at all key locations and are easily accessible. All of our fire suppressant systems meet or exceed current codes.

A minimum of two unannounced fire drills are conducted each year and any deficiencies found are immediately addressed.

The University takes fire safety issues very seriously and is regularly inspected and consults with the Manchester Fire Department and Hooksett Fire Department on fire safety issues. The Manchester Fire Department is approximately 2.72 miles from the main campus. The Hooksett Fire Department is approximately 2.03 miles from the main campus. This distance allows for quick response to any fire alarm or other emergency situations.

Both Departments are responsible for their sections of campus which is divided by the town and county line. These departments also provide mutual aid to each other in the event of an actual emergency on campus.

All fire alarm systems are wired into or radio dispatched to the Manchester and Hooksett fire departments.

Fire hydrants are located strategically for quick response and adequate supply of water.

SNHU On Campus Student Housing Fire Safety Systems

Building	Sprinkler System?	% Sprinklered	Fire Alarm Monitored by Alarm Company	Fire Alarm Monitored by Fire Dept.	Smoke Detection	Fire Extinguishers	# of Evacuation (Fire) Drills Each Academic Year	Heat Detector
Attitash*	None	0%	X		X	X	2	X
Conway	Full	100%	X		X	X	2	
Hampton	Full	100%	X		X	X	2	
Hillsboro*	None	0%	X		X	X	2	X
Lincoln	Full	100%	X		X	X	2	
New Castle Hall	Full	100%	X	X	X	X	2	X
Rockingham**	None	0%	X		X	X	2	X
Spaulding**	Full	100%	X	X	X	X	2	X
Washington Hall	Full	100%	X		X	X	3	
Windsor	Full	100%	X		X	X	2	
Tuckerman	Full	100%	X	X	X	X	2	
Monadnock	Full	100%	X	X	X	X	2	
Kingston	Full	100%	X	X	X	X	2	X
* Attitash and Hillsborough Torn Down October 2019								
** Rockingham and Spaulding Torn Down September of 2020								

Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities	Year	Total Fires	Date and Time Reported	Cause of Fire	Number of Injuries	Fire Related Deaths	Value of Property Damage
Attitash* Townhouse 2500 N. River Rd.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	n/a	n/a	n/a	n/a	n/a	n/a
	2021	n/a	n/a	n/a	n/a	n/a	n/a
Conway Apartments 33 Eastside Dr.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	0	n/a	n/a	n/a	n/a	n/a
	2021	0	n/a	n/a	n/a	n/a	n/a
Hampton Pods 22 Eastside Dr.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	0	n/a	n/a	n/a	n/a	n/a
	2021	0	n/a	n/a	n/a	n/a	n/a
Hillsboro* Townhouse 2500 N. River Rd.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	n/a	n/a	n/a	n/a	n/a	n/a
	2021	n/a	n/a	n/a	n/a	n/a	n/a
Kingston Hall 2500 N. River Rd.	2019	1	10/30/2019 10:15 pm	Toaster fire/toaster destroyed	n/a	n/a	\$0-99
	2020	0	n/a	n/a	n/a	n/a	n/a
	2021	0	n/a	n/a	n/a	n/a	n/a
Lincoln Apartments 31 Eastside Dr.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	0	n/a	n/a	n/a	n/a	n/a
	2021	0	n/a	n/a	n/a	n/a	n/a
Monadnock Hall Eastside Dr.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	0	n/a	n/a	n/a	n/a	n/a
	2021	0	n/a	n/a	n/a	n/a	n/a
Newcastle Hall 2500 N. River Rd.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	0	n/a	n/a	n/a	n/a	n/a
	2021	0	n/a	n/a	n/a	n/a	n/a

Residential Facilities	Year	Total Fires	Date and Time Reported	Cause of Fire	Number of Injuries	Fire Related Deaths	Value of Property Damage
Rockingham ** Townhouse 2500 N. River Rd.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	0	n/a	n/a	n/a	n/a	n/a
	2021	n/a	n/a	n/a	n/a	n/a	n/a
Spaulding ** Apartments 2500 N. River Rd.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	0	n/a	n/a	n/a	n/a	n/a
	2021	n/a	n/a	n/a	n/a	n/a	n/a
Tuckerman Hall 34 Eastside Dr.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	0	n/a	n/a	n/a	n/a	n/a
	2021	0	n/a	n/a	n/a	n/a	n/a
Washington Hall 2500 N. River Rd.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	0	n/a	n/a	n/a	n/a	n/a
	2021	0	n/a	n/a	n/a	n/a	n/a
Windsor Pods 24 Eastside Dr.	2019	0	n/a	n/a	n/a	n/a	n/a
	2020	0	n/a	n/a	n/a	n/a	n/a
	2021	0	n/a	n/a	n/a	n/a	n/a
* Attatish and Hillsborough Torn Down October 2019							
** Rockingham and Spaulding Torn Down September of 2020							

Portable Fire Extinguishers

- Portable fire extinguishers at the University are intended for use by trained individuals.
- You should activate the nearest fire alarm prior to using a fire extinguisher. Most portable extinguishers are appropriate for only small contained fires, such as a fire in a wastebasket.
- Don't fight a fire if you have not been trained or are unsure about what type of extinguisher to use.
- Remember to never fight a spreading or growing fire and never block your escape.

Fire Safety Education and Training

Residence Life Staff receive yearly fire extinguisher training. Resident Assistants and Public Safety officers are trained in hands-on fire suppression.

Residents receive a general orientation to fire safety policies and fire safety systems present in their hall/floor meeting at the beginning of the academic year. Residents also participate in a minimum of two evacuation drills each year.

Magnets are placed in residence hall rooms with links to evacuation procedures, shelter in place procedures, contact information to report fire and safety concerns, etc.

Fire Safety Related Policies and Procedures

Breaching campus fire safety, including, but not limited to, any of the following fire safety policies:

1. Setting a fire (including charring, burning, lighting of papers, or any other act that could cause a fire), causing or creating a false alarm, or other such intentional or reckless conduct that causes harm or reasonable apprehension of harm to a person or property. Damage to property will be prosecuted as arson whenever appropriate.
2. Misusing, tampering, or damaging fire safety equipment is prohibited, including:
 - a. Removing, discharging, or damaging fire safety equipment,
 - b. Suspending items from a ceiling, overhead wires, pipes, and sprinkler heads, or
 - c. Covering smoke detectors, sprinkler heads, electrical outlets, or lights.
3. The cost for activating false fire alarms is a minimum of \$350. Costs for false alarms that cannot be attributed to a specific individual(s) will be assessed to the residents of the floor or area where the alarm was registered. Anyone found discharging a fire extinguisher for reasons other

than a fire will face conduct action and will be held responsible for the costs related to damage of property, clean up, and recharging the affected fire extinguisher(s).

4. Failure to evacuate university buildings during a fire alarm.
5. Camp stoves, candles, incense and incense burners, propane torches, and lanterns are not permitted in any residence.

Flammable Materials and Fireworks

Students may not possess anything in the nature of fireworks or explosives on any property owned or operated by the university. Students may not ignite or detonate anything that could cause damage by fire, explosion or similar means to persons or property.

Grills

Personal cooking grills (charcoal, gas or propane) are not permitted on campus. Students may use the university-owned grills.

Residence Life Policies on Portable Appliances, Smoking, and Open Flames

For safety reasons, university regulations prohibit the possession or use of some appliances even though they are regularly found in private homes. Examples of items not allowed are: Space heaters, power tools, hot pots, hot plates, toaster ovens, coffee makers, other small cooking appliances, microwave ovens, air conditioners, immersion heaters, and halogen lamps. This list is a guide and is not all-inclusive. The university reserves the final decision on any item determined to be inappropriate for residence halls. Residents living in an apartment, suite, or multi-person space may have toaster ovens, coffee makers, or microwaves. Whenever using any appliance, follow common sense and exercise reasonable precautions.

The following rules apply to the use of electrical appliances:

1. The appliance must be UL approved.
2. Devices that overload or extend the normal capacity of outlets are prohibited. UL approved power strips with separate circuit breakers are allowed.
3. Extension cords must be grounded.

Open flames are not permitted in residence halls. Camp stoves, candles, incense and incense burners, propane torches and lanterns are not permitted in any residence.

For the safety and health of the entire campus community, the smoking policy of the institution is intended to minimize the effects of smoking and comply with the state legislation (RSA 155:64-77). Smoking is prohibited in all buildings and on Larkin Field. In addition, smoking is prohibited within 25 feet from any university building entrance.

Health & Safety Regulations

No more than 50 percent of the total wall area in any room may be covered with combustible materials (e.g. flags, posters, pictures). Nothing may be suspended from the ceiling, overhead wires, pipes, and sprinkler heads, or cover smoke detectors. Electrical outlets and lights may not be covered at all.

Cut Christmas trees, wreaths, greens, shrubbery, etc. are not permitted. Fire retardant artificial trees are allowed, but cannot block any doorways and/or corridors, nor obstruct passage into one's residence.

The university does not permit any type of student construction in residence. This includes all types of constructed areas (e.g. sleeping lofts, flatscreen TV mounts) and any materials. Furniture residents bring into their area must be free-standing (not bolted or fixed to walls, floors, etc.) and should be a size that does not block doorways and/or corridors or in any way obstructs passage into their residence.

Bunk beds may only be used as they are designed and intended. Residents may not construct anything to change the height of furniture (e.g., lofts) or use any items that raise the height of any furniture (e.g., milk crates, cinder blocks, etc.). If a bunked or lofted bed is needed, Facilities may provide one.

Plans for Future Improvements in Fire Safety

The University meets all state and local fire safety codes, and first responding employees (Public Safety, Residence Directors, Wellness staff) regularly receive fire safety training. The University continues to assess and upgrade fire safety equipment as an ongoing process to ensure that all equipment meets National Fire Safety standards. A direct communication system was installed in 2017 and now allows Public Safety to have direct communication with the Manchester and Hooksett fire departments without reliance on telephones.

In 2019, SNHU enacted an Emergency Action Planning Protocols Standardized Initiative:

The main objective of the initiative was to review and assess the established Emergency Planning Protocols for the campus and the administrative staff location at the Millyard and implement standard practices throughout the locations.

The initiative enhanced established emergency action planning for all SNHU locations and ensured compliance with OSHA's 1910.38 Emergency Action Plans. All changes to the Emergency Action Plans also complied with FEMA and the NH Bureau of Emergency Management.

The primary goal of the initiative was to ensure student, faculty, staff and visitor safety in the event of an emergency involving evacuation.

Some of the objectives of the initiative included:

- Evaluating current plans/procedures across operational SNHU locations.
- Developing plans for areas with no written plans/condensing them into one plan.
- Complying with OSHA requirements for evacuation signage.
- Processes to account for employees after evacuation.
- Establish evacuation assembly areas.
- Provide training to Fire Marshals on duties under the plan.
- Communicate policy and policy changes to community and make the plan available for review.
- Annual refresher training and assignment for Fire Marshals.

A standard Emergency Action Plan for the university was created with appendices for each location. This new plan is called the Unified Emergency Action Plan.

Included in the new plan is the addition of an "Emergency Evacuation Plan Assembly Area" guide for all residence halls on main campus. Maps were also created and placed at all of these locations. These were created to instruct community members where to converge should a fire or other emergency require them to exit their resident hall.

The rough draft of the plan is completed, and the finished product is awaiting final approval by Senior leadership. The finished product should be finalized by the end of CY2022.

SNHU Emergency Evacuation

Emergency situations that call for evacuation of classrooms and buildings will be announced by the emergency fire alarm horns and visual alarm systems. When these alarms sound or are seen, all persons **must** immediately leave the building. **Do Not Use Elevators** during an emergency. The following are guidelines for individuals with and without disabilities:

Procedures for individuals without need of assistance:

- Treat all alarms as if they warned of real emergencies and always evacuate.

- Faculty and staff members should take a leadership role ensuring all students and guests follow evacuation procedures. Faculty, staff and students should be aware of the nearest emergency exit and alternative exits if necessary.
- Close but do not lock windows and doors, doors that are locked for security reasons may remain locked based on the general practices of the department. Remember that closed windows and doors can reduce the spread of fire and/or hazardous materials and fumes.
- Use appropriate exit – Do not use elevators. Exit the building using the closest stairwell or exit door. Move at least 50 feet away from the building so fire/rescue personnel may have greater access to the building.
- If possible, take any required medication and appropriate outerwear with you.
- If possible, assist persons requiring additional assistance exiting the building. If special assistance is needed, please alert Public Safety at ext. 9700 or 603-645-9700 of an individual's need and specific location.

Emergency Building Evacuation for People with Disabilities

This procedure has been developed to provide assistance to individuals with a physical or sensory disability when an emergency occurs; however SNHU calls to the attention of all individuals with disabilities the fact that no one else can look out for their well-being as well as they can themselves. Therefore, individuals with disabilities need to be responsible for studying and remembering the important parts of each building they are in, including exits, phone locations, and elevator procedures.

- Responsibility for evacuation plan awareness belongs to the student, staff, or faculty member. During an emergency, individuals requiring special assistance should notify the Office of Public Safety at ext. 9700 or 603-645-9700 of their location so emergency personnel may be notified.
- With permission of a student, the Office of Public Safety will be provided with a student's class schedule by the Office of Disability Services.
- Individuals requiring evacuation assistance are encouraged to create an evacuation plan in coordination with the appropriate office or offices including: Office of Disability Services, Residence Life, Public Safety, and the Office of Human Resources & Development. In addition, individuals requiring evacuation assistance and who reside on campus may register via the Public Safety Department with the Fire Department.
- When an emergency occurs in a single-level building, individuals must leave the building using the nearest available exit. Once outside, move at least 50 feet away from the building. A volunteer student or staff member may assist the individual to safety.
- When an emergency occurs in a multi-level building, individuals are to go to the nearest stairwell, enter the stairwell and remain at the top of that stairwell for emergency personnel. Stairwells provide a safe haven for up to two hours and emergency personnel are trained to check stairwells first. Do not use elevators during emergencies. Ideally, and only on a volunteer basis, it is best if someone waits with the individual until help arrives.

Specific Guidelines for Assisting Those with a Disability:

Mobility Impaired:

- On a ground level floor, individuals with mobility impairments should exit the building using the nearest emergency exit.
- On a non-ground level floor, individuals with mobility impairments should move to the nearest stairwell and wait for emergency personnel. If possible, the individual should alert Public Safety at ext. 9700 or 603-645-9700 to their location and evacuation need.

Vision Impaired:

- Help guide a person with vision loss by asking the person if he/she would like to take your arm at the elbow. DO NOT grasp the arm of a person with low vision or blindness. Give the person verbal instructions as you guide the person, advising about steps, rough terrain, walking through doorways, debris, etc. Verbal compass directions, estimated distances, and directional terms are the most familiar tools for person with vision loss.
- A service animal could become confused or disoriented in a disaster. People who are blind may have to depend on others to lead them, as well as their service animal, to safety during an emergency.

Hearing Impaired:

- Individuals who are deaf or hard of hearing should be informed individually of the emergency and how to respond as soon as the emergency is identified. Write directions on paper, if necessary. It should not be assumed that hearing impaired persons can hear the fire alarm or that they will know what to do by watching others. Residents who have disclosed that they are hearing impaired are provided with a flashing alarm system in their residence.

Respiratory Illnesses:

- Many respiratory illnesses can be aggravated by stress. In an emergency, oxygen and respiratory equipment may not be readily available. People with respiratory illnesses should be referred to emergency personnel. In an emergency, individuals with respiratory illness should notify Public Safety at ext. 9700 or 603-645-9700 of their location and evacuation needs.

Other Disabilities:

- Ask the person how you can help them most effectively. Be calm and reassuring. If the person is not able to evacuate safely, lead the person to an area of safety outside the building or if in a multi-level building to a stairwell. Assure the individual that assistance is on the way and if possible, notify Public Safety at ext. 9700 or 603-645-9700 of the location and evacuation need of the individual.

In the Event of Fire

- If you discover a fire in your area: alert others in the immediate area, get out, and close the door behind you.
- Activate the building fire alarm system on your way out and call Public Safety at 603-645-9700 from a safe place.
- Leave the fire area immediately by following your planned exit route and closing all doors behind you to slow the spread of fire and smoke.
- Exit the building via the closest exit or exit stairway.
- Never use an elevator when evacuating for a fire alarm or smoke-filled building. Always use the stairs.
- Once outside the building, move to a safe area, tell the fire department if anyone is left inside, and do not reenter until you are told to do so.

If you are Trapped or Unable to Exit

- Stay calm and take steps to protect yourself.
- If possible, move to a room with an outside window.
- If there is a working phone, call Public Safety and tell the dispatcher where you are. Do this even if you can see the fire department from the window.
- Stay where rescuers can see you through the window and wave a light-colored item to attract their attention.
- Stuff clothing, towels, or blankets around the cracks in the door to help keep smoke out of your refuge.
- If possible, open the window at the top and bottom. Be ready to shut the window quickly if smoke rushes in.
- Be patient. The rescue of occupants of large structures could take time.

SNHU strives to ensure the safety of all members of the campus community. By remaining calm and following the Emergency Evacuation Procedures, the highest level of safety will be ensured for all.

Appendices

Sexual Misconduct Policy

1. Introduction

- 1.1** Southern New Hampshire University (“the University”) is committed to providing a workplace and educational environment that are free from Sexual Misconduct, including unlawful Sexual Harassment, or associated Retaliation, on the basis of sex. Accordingly, the University adopts this policy and the associated procedures for a prompt and equitable grievance process for claims of Sexual Misconduct and Sexual Harassment, including sexual assault, stalking, Sexual Exploitation, dating violence, or domestic violence, all as further defined in this Policy. The University encourages prompt reporting of these matters to allow the University to quickly respond, address allegations, and offer immediate support to the affected community members, as set forth in this Policy.
- 1.2** Reports of Sexual Harassment and any inquiries concerning this Policy should be directed to the University’s Title IX Coordinator, whose contact information is as follows:

Kristin Scaduto
Title IX Coordinator/Equity Officer
118B Green Center
2500 North River Road
Manchester, NH 03106
603.644.3188
titleix@snhu.edu
k.scaduto@snhu.edu

Further information regarding reporting is found in [Section 6](#) of this Policy.

2. Definitions

For purposes of this Policy, these words have the following definitions:

2.1 Advisor

Advisor means a person chosen by a Party or appointed by the University to accompany the Party to meetings related to the Resolution process, to advise the Party on that process, and to conduct cross-examination for the Party at the hearing, if any.

2.2 Complainant

Complainant means an individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct, Sexual Harassment, or Retaliation for engaging in a protected activity.

2.3 Confidential Professional

Confidential Professional means an employee who has a legally recognized professional duty of confidentiality and is not a Required Reporter of Notice of Sexual Misconduct, Sexual Harassment, or Retaliation on the basis of sex (irrespective of Clery Act Campus Security Authority status).

2.4 Consent:

See Section 3.5 of this Policy.

2.5 Day

Day means a business Day when Southern New Hampshire University is in normal operation. It does not include weekends or holidays.

2.6 Education Program or Activity

Education Program or Activity means locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the Sexual Harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Southern New Hampshire University.

2.7 Final Determination

Final Determination means a binding conclusion by a Decision-Maker by a preponderance of the evidence whether the alleged conduct did or did not violate policy.

2.8 Finding

Finding means a conclusion by a preponderance of the evidence that conduct alleged did or did not occur.

2.9 Formal Complaint

Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation.

2.10 Formal Grievance Process

Formal Grievance Process means the method of formal resolution designated by this Policy by which the University addresses conduct prohibited by this Policy in compliance with the legal requirements of 34 CFR Part 106.45.

2.11 Grievance Process Pool

Grievance Process Pool includes any Investigators, Decision-Makers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case). At the discretion of the Title IX Coordinator, certain members of the Pool may be restricted to certain roles based on availability and individual training levels.

2.12 Decision-Maker or Panel

Decision-Maker or Panel refers to those who have decision-making and Sanctioning authority within the University's Formal Grievance processes.

2.13 Investigator

Investigator means the person or persons tasked by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

2.14 Notice

Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct, or of violations of this Policy. When used in lower-case format in this Policy, notice has its normal dictionary meaning.

2.15 Official with Authority

Official with Authority means an employee of the University explicitly vested with the responsibility to implement corrective measures for harassment or other conduct prohibited by this Policy, on behalf of the University.

2.16 Party/Parties

Party/ Parties include the Complainant(s) and Respondent(s), collectively. Neither the Title IX Coordinator nor the University are Parties.

2.17 Required Reporter

Required Reporter means a University employee who is obligated by policy to share knowledge, Notice, and/or reports of Sexual Harassment, Sexual Misconduct, or Retaliation with the Title IX Coordinator. This reporting obligation is separate and independent from any reporting obligation under other University policies or from applicable state law reporting obligations with respect to child abuse, elder/incapacitated adult abuse, hazing/bullying, etc., though these responsibilities may overlap with reporting obligations set forth in this Policy.

2.18 Remedies

Remedies are actions taken by University after a Final Determination, which are directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and ensure equitable access to the University's educational programs or activities.

2.19 Respondent

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct, Sexual Harassment, Retaliation for engaging in a protected activity, or otherwise violating this Policy.

2.20 Resolution

Resolution means the result of an informal or Formal Grievance Process.

2.21 Retaliation

Retaliation means words or actions that intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy or Title IX.

2.22 Sanction

Sanction means a consequence imposed by the University on a Respondent who is found to have violated this policy.

2.23 Sexual Exploitation

Sexual Exploitation occurs when an individual takes sexual advantage of another person for the benefit of anyone other than that person without that person's Consent, or in a circumstance where that person cannot legally Consent. Examples of behavior that could rise to the level of Sexual Exploitation include:

- I. Prostituting another person;
- II. Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's Consent;

- III. Distributing, or threatening to distribute, images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not Consent to such disclosure and/or objects to such disclosure; and,
- IV. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's Consent, and for the purpose of arousing or gratifying sexual desire.
- V. Coercing a person into engaging in unwanted sexual activity by exploiting that person's substance or drug dependence.

2.24 Sexual Harassment

Sexual Harassment means harassment on the basis of sex, sexual assault, stalking, dating violence, or domestic violence, each as further defined in Section 3.4 of this Policy.

2.25 Sexual Misconduct

Sexual Misconduct includes a range of unwelcome conduct of a sexual nature occurring without Consent, including, Sexual Exploitation, Sexual Harassment, sexual assault, relationship violence (including domestic violence and dating violence), or stalking.

2.26 Student

Student means, for the purpose of this Policy, any individual who has accepted an offer of admission, or who is registered or enrolled for coursework, and who maintains an ongoing relationship with the University.

2.27 Title IX Coordinator

Title IX Coordinator is the official (or officials) designated by the University to ensure compliance with Title IX, this Policy, and the University's Title IX program. References to the Title IX Coordinator throughout this policy may also encompass a designee of the Title IX Coordinator for specific tasks, where appropriate.

2.28 Title IX Team

Title IX Team refers to the Title IX Coordinator, any Deputy Title IX Coordinators who may be designated from time to time, and any member of the Grievance Process Pool.

3.0 Policy

3.1. Scope

The University strictly prohibits all forms of Sexual Misconduct by any member of its community, whether occurring in University programming or off-campus but having an effect on the University's educational environment or a Complainant's educational experience. This Policy applies to Parties regardless of sexual orientation, gender identity, or expression.

The Sexual Harassment Grievance Procedure set forth in Section 9 of this Policy applies to Sexual Harassment occurring in all Programs and Activities of Southern New Hampshire University, and is available to Complainants in the United States. All Sexual Misconduct which does not fall within the jurisdiction of the Sexual Harassment Grievance Procedure, but which are otherwise actionable under this Policy, may be addressed under the Institutional Sexual Misconduct Grievance Procedures set forth in Section 10 of this Policy.

Conduct or grievances that fall outside the scope of this Policy may be addressed under other Southern New Hampshire University policies and procedures, as applicable. Nothing in this

Policy shall be used to deny any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. or any regulations promulgated thereunder.

3.2 Purpose

The purpose of this Policy is to define, prevent, and respond to Sexual Misconduct, and Sexual Harassment as defined in 34 C.F.R. Part 106, and achieve compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681–1688) and associated regulations, as well as applicable New Hampshire state law.

3.3 Policy Statement

It is the policy of Southern New Hampshire University to prohibit all forms of Sexual Misconduct and Sexual Harassment or Retaliation within the Scope of this Policy. The University will respond to Notice of allegations of Sexual Misconduct and Sexual Harassment or Retaliation in accordance with the appropriate procedures set forth below.

The University does not discriminate on the basis of sex in any education program or activity and is prohibited from doing so by Title IX. This requirement not to discriminate extends to both admission and employment at the University.

3.4 Prohibited Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of New Hampshire regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. As stated above, Sexual Harassment is prohibited by this Policy.

The University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well. Acts of Sexual Harassment can be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of Sexual Harassment, sexual assault, domestic violence, dating violence, and stalking¹, and is defined as: conduct on the basis of sex that satisfies one or more of the following:

- I. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct (often referred to as "quid pro quo");
- II. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
- III. **Sexual assault, defined as:**
 - A. **Sex Offenses, Forcible:** Any sexual act directed against another person, without the Consent of the victim, including instances in which the victim is incapable of giving Consent.
 - B. **Rape:** penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of

¹ The New Hampshire state law definitions of "Consent," "Domestic Violence," "Dating Violence," "Sexual Assault," and "Stalking" differ in some ways from the federal definitions listed here. SNHU will provide the state law definitions as part of its education programs for students (as required by the Clery Act) but definitions applied for purposes of this Policy will be the federal definitions provided here, as required by Title IX.

the victim. Attempts or assaults to commit rape are also included; however, statutory rape and incest are excluded (each defined separately below).

- C. **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity.
- D. **Sexual Assault with an Object:** To use 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 the person's will in instances where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- E. **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- F. **Sex Offenses, Non-forcible:**
 - i. **Incest:** Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by law.
 - ii. **Statutory Rape:** Non-forcible sexual intercourse, with a person who is under the statutory age of Consent.
- G. **Dating Violence**, defined as: violence committed by a person—
 - i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 1. The length of the relationship;
 - 2. The type of relationship;
 - 3. The frequency of interaction between the persons involved in the relationship.
- H. **Domestic Violence**, defined as: violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of New Hampshire, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of New Hampshire.
- I. **Stalking**, defined as: engaging in a course of conduct, on the basis of sex, directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. suffer substantial emotional distress.

The University reserves the right to impose any level of Sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy.

3.5 Force, Coercion, Consent, and Incapacitation

As used in this Policy and the offenses above, the following definitions apply:

I. Force:

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce Consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not Consent. Consent is not defined by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-Consent.

II. Coercion:

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain Consent. Consent is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision –indicated clearly by words or actions–to engage in mutually accepted sexual contact. A person forced to engage in sexual contact by force, threat of force, or coercion has not Consented to contact. Coercion includes unreasonably pressuring another to engage in sexual activity. Lack of mutual Consent is the crucial factor in any Sexual Misconduct. Consent to some form of sexual activity does not necessarily constitute Consent to another form of sexual activity. Silence without demonstrating permission does not constitute Consent.

Consent is not valid when a person is incapacitated, or when an intellectual or other disability prevents a person from having the capacity to give Consent. A person is incapacitated if they lack the capacity to Consent to sexual activity because the person is asleep, unconscious, mentally and/or physically helpless, or otherwise unaware that sexual activity is occurring. Incapacitation is not necessarily the same as legal intoxication. Where alcohol or other drugs are involved, evaluating Incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

Under New Hampshire state Law, a person under thirteen years of age cannot Consent to any form of sexual contact. Individuals between the age of thirteen and sixteen cannot Consent to penetrative sexual activity. Individuals between the age of thirteen and sixteen cannot Consent to non-penetrative sexual activity with individuals who are more than five years older than they are. Individuals older than sixteen years of age can legally Consent to sexual activity.

3.6 Retaliation Prohibited

Retaliation in response to a protected activity is strictly prohibited by this Policy. Protected activity under this Policy includes reporting an incident that may implicate this Policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged Retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to Retaliation.

Charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes Retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute Retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

3.7 Right to Report

Any person may report sex discrimination, Sexual Misconduct, including Sexual Harassment or related Retaliation (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sexual Misconduct or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or to an Official with Authority, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator herein.

3.8 False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy, as opposed to allegations which, even if erroneous, are made in good faith, are a violation of this Policy, and a serious offense that will be subject to appropriate disciplinary action.

Additionally, witnesses and Parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline.

4.0 Role of the Title IX Coordinator

4.1 Role Overview

The University's designated Title IX Coordinator has the primary responsibility for coordinating the University's efforts related to the intake, investigation, resolution, and implementation of measures to stop, remediate, and prevent Sexual Misconduct, Sexual Harassment and Retaliation prohibited under this Policy. The University's Title IX Coordinator is also responsible to provide or facilitate ongoing training, consultation, and technical assistance on Title IX for all students, faculty and staff, and other community members including:

- I. regular training for faculty and staff outlining their rights and obligations under Title IX and this Policy, including the appropriate response to reports of Sexual Misconduct, the obligation to report Sexual Misconduct (as applicable), and the scope and availability of confidentiality;
- II. annual training for other Title IX staff, Investigators, Decision-Makers, and any person who facilitates an Informal Resolution process, on the definition of Sexual Misconduct and Sexual Harassment, the scope of the University's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- III. annual training for Investigators on issues of relevance to create an investigative report that fairly summarizes relevant evidence;

- IV. regular training for Decision-Makers on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
- V. regular training for students outlining their rights under Title IX; including with respect to Sexual Harassment, the reporting process (including reports to local law enforcement and confidential reporting to counselors or advocates), the procedures used to process complaints, applicable student conduct code provisions relating to Sexual Misconduct and the consequences of violating those provisions, the role of alcohol and drugs in Sexual Misconduct, the effects of trauma, strategies and skills for bystander intervention, the offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the Required Reporter employees who must report incidents to the Title IX Coordinator, and Title IX's protections against Retaliation.

4.2 Website and Training Materials

The Title IX Coordinator is responsible to ensure that all training materials used to train the Title IX Team are made publicly available on the University's designated Title IX webpage, for a period of seven years from issuance.

4.3 Requests for Confidentiality

The Title IX Coordinator also evaluates requests for confidentiality, as outlined below, by those who report or complain about Sexual Misconduct or Sexual Harassment in the context of the University's responsibility to provide a safe and non-discriminatory environment for all member of its community.

4.4 Bystander Policy

The University encourages all community members to take reasonable and prudent actions to prevent or stop an act of Sexual Harassment. Taking action may include direct intervention where it is safe to do so, creating a distraction, calling law enforcement, or seeking assistance from a person in authority.

4.5 Amnesty Policy

I. Students:

Student Complainants, bystanders, or witnesses may have concerns about reporting Sexual Misconduct because of the University's drug or alcohol policy, or other policy violations. The University's primary concern is community safety. A Complainant shall not be subject to a disciplinary proceeding or Sanction for a violation of the University's code of conduct related to the incident unless a University official determines that the report was not made in good faith or that the violation was egregious.

II. Employees:

The University may, at its discretion, offer employee Parties and witnesses amnesty from policy violations (typically more minor policy violations) related to the facts and circumstances surrounding the incident.

5.0 Healthcare and Support Resources

5.1 Resources Available

Complainant has the option to seek treatment for injuries sustained during an incident of Sexual Misconduct, preventative treatment for sexually transmitted diseases, and other health services. A medical exam is also an important way for a health provider to properly collect and preserve evidence, which could later be used in a civil or criminal case. In cases where necessary, rape kits are also available at local emergency rooms.

5.2 Medical Treatment

Medical Treatment in the area of the Manchester/Hooksett campus include the following:

Elliot Hospital
4 Elliot Way, Manchester, NH 03013
[\(603\) 669-5300](tel:6036695300)

Catholic Medical Center (CMC)
100 McGregor St, Manchester, NH 03102
[\(603\) 668-3545](tel:6036683545)

Sexual Assault and Domestic Violence resources in New Hampshire and the Manchester area include:

New Hampshire Sexual Assault Hotline
[1-800-277-5570](tel:18002775570)

New Hampshire Domestic Violence Hotline
[1-866-644-3574](tel:18666443574)

5.3 Community Services

Services for survivors of sexual assault, domestic violence, stalking and Sexual Harassment are available through the NH Coalition Against Domestic and Sexual Violence, which is comprised of thirteen member programs throughout the state. A community member does not need to be in crisis to call. According to the Coalition's website, services are free, confidential, and available to everyone regardless of gender, age, health status (including HIV-positive), physical, mental or emotional ability, sexual orientation, gender identity/expression, socio-economic status, race, national origin, immigration status or religious or political affiliation.

Coalition member agencies serving the Manchester and Hooksett campus areas include:

Crisis Center of Central New Hampshire (CCCNH)
PO Box 1344, Concord, NH 03302-1344
Crisis Line: [1-866-841-6229](tel:18668416229)
Office: [603-225-7376](tel:6032257376)

YWCA Crisis Service
72 Concord Street, Manchester, NH 03101
Crisis Line: [603-668-2299](tel:6036682299)
Manchester Office: [603-625-5785](tel:6036255785)
www.ywcanh.org

Coalition agencies provide the following services:

- Support and information, available in person and through a 24-hour hotline
- Accompaniment, support, and advocacy at local hospitals, courts, and police departments
- Access to emergency shelter
- Peer Support Groups
- Assistance with protective/restraining orders and referrals to legal services
- Information and referrals to community programs
- Community and professional outreach and education

5.4 Financial Assistance Resources

Community members who require medical assistance but have financial hardship or limited financial resources may qualify for financial assistance through the NH Health Access Network. The New Hampshire Health Access Network helps low-income residents of New Hampshire who have health insurance but need financial assistance to help cover out of pocket medical expenses such as deductibles, co-pays, and co-insurance.

The NH Health Access Network
125 Airport Road, Concord, NH 03301
[\(603\) 225-0900](tel:6032250900)
www.healthynh.com

5.5 On-Campus Resources

Basic non-emergency medical treatment, and counseling for on-campus students, are also available at the Campus Wellness Center, located in the Robert A. Freese Student Center. Students can access health services during normal business hours by walk-in and may reach the Wellness Center Counselors at 603-645-9679. Emergency counseling services are also available twenty-four hours a Day. During regular business hours, a student can speak with a counselor by contacting the Wellness Center staff. During nights, weekends and holidays, a student seeking emergency counseling can access services by calling the Wellness Center and selecting the appropriate option to speak with an after-hours counselor.

5.6 Resources for Online Students and Remote Employees

In addition, a list of counseling, health, mental health, victim advocacy, legal assistance, and other services available including crisis help lines can also be found on the [Global Campus Wellness Center's](#) webpage. Students and remote employees located outside of New Hampshire can select the "Locate Resources in Your Area" link to be directed to crisis resources based on their location.

5.7 Resources for Employees

Full and half-time University employees have access to the Employee Assistance Program (EAP) offered through Anthem, which provides assessment and referral for a wide range of concerns facing employees.

To speak with a consultant please call [1-800-647-9151](tel:18006479151).

6.0 Reporting Sexual Misconduct, Sexual Harassment, and Retaliation

6.1 Reporting Policy

The University encourages community members to promptly report incidents of Sexual Harassment, Sexual Misconduct, or Retaliation immediately to the University using the process described below. Required Reporters must inform the Title IX Coordinator or any Official with Authority of incidents of Sexual Misconduct of which they are aware, as further detailed below. Any person may inform the Title IX Coordinator or other Official with Authority of an alleged violation of this policy, however only a Complainant or the Title IX Coordinator can sign a Formal Complaint.

6.2 Reporting Process

Concerns of a violation of this Policy or seeking supportive measures may be made using the intake forms designated here:

- **University College** – Campus Students may file a report in one of two ways. First by filing a report in person at the Office of Public Safety or by filing an online Incident Form.

- **Global Campus** – Online Students may file an online Student Dispute Form through the Office of Dispute Resolution and Student Conduct.
- **University Employees** may contact their Human Resources Business Partner or submit a Complaint Notification Form.

Those wishing to engage the Formal Grievance Process for Sexual Harassment and/or Retaliation may file a Formal Complaint with the Title IX Coordinator or any Official with Authority. Such a report may be made at any time (including during non-business hours) by using the email or postal office address(es) listed for the Title IX Coordinator and/or any other official listed/designated below.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth below, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

If Notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

6.3 Anonymous Reports:

Reports that are submitted anonymously limit the ability of the University to respond in a formal manner. The privacy of those submitting bias reports will be maintained to the extent possible. Therefore, persons are strongly encouraged to identify themselves when submitting reports and participate in the investigation and response process.

6.4 Contact Information for Reporting:

Complaints or Notice of alleged Sexual Misconduct, including Sexual Harassment, Retaliation, other policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to the University’s Title IX Coordinator:

- Kristin Scaduto, Title IX Coordinator, can be reached in person at The Green Center on the University’s main campus at 2500 North River Road, Manchester NH, by telephone at 603-644-3188, or by email at k.scaduto@snhu.edu.

The following Deputy Title IX Coordinator(s) have also been designated as Officials with Authority and may also accept Notice or complaints on behalf of the University:

- Michael Graskemper is the Director of Dispute Resolution for the Global Campus and is also the Deputy Title IX Coordinator for Global Campus. He can be reached at [603-314-7647](tel:603-314-7647), or at M.Graskemper@snhu.edu.

The following additional personnel are also identified as Officials with Authority by the University:

- All athletics coaches and athletic directors, including assistant directors
- Residence life personnel (not including student employees)
- Dean of Students, Academic Deans & Office of Vice President of Academic Affairs
- President and CEO
- Chief Operating Officer

- Executive Vice President, Human Resources

6.5 Reporting to the Police

Complainants are also encouraged to consider reporting Sexual Misconduct that constitutes a crime, or any other related crime, to law enforcement authorities. Complainants may also wish to pursue a criminal or civil restraining order from a local court. However, Complainants have a right to choose not to file a report with law enforcement or seek a restraining order. The decision to file a criminal complaint or seek a court order is a deeply personal choice. Complainants often make this decision based on the circumstances surrounding the incident and the circumstances in their life at the time of the incident. Complainants must also understand that SNHU Public Safety is not a police force, and a report to Public Safety is not equivalent to filing a police report.

Upon reporting an incident to the Title IX Coordinator (or other Official with Authority), Complainants will have the opportunity, if they choose, to speak with appropriate local law enforcement personnel to make the report. Confidential Resource Advisors can also assist with this process. Complainants do not need to file a criminal complaint with law enforcement in order to initiate a grievance with the University, and the University may find a Respondent responsible for violating this Policy regardless of the status or outcome of any criminal proceedings. Absent extenuating circumstances, the University will not unduly delay its grievance process to await the completion of any criminal proceeding or investigation, unless required to do so by valid court order.

In the case of an ongoing emergency, dial 911. Non-emergency contact information for local police in the Manchester area for non-emergency reporting is as follows:

Hooksett Police Department

15 Legends Dr.
Hooksett, NH 03106
[\(603\) 624-1560](tel:6036241560)

Manchester Police Department

405 Valley Street
Manchester, NH 03106
[\(603\) 668-8711](tel:6036688711)

6.6 Employee Reporting Obligation

The University takes the position that all employees except those with a legal duty of confidentiality (e.g. a licensed counselor, doctor, or nurse) or Confidential Resource Advisors, are Required Reporters. With respect to students who are also employed by the University, only those working in the office of Residence Life (RDs, CAs, RAs), Graduate Teaching Assistants or Instructors, and those student employees with similar significant responsibility for student welfare are Required Reporters under this Policy.

A Required Reporter who witnesses or has Notice of Sexual Misconduct, Sexual Harassment, or Retaliation against a student must immediately contact the Title IX Coordinator to make a report to allow the University to respond appropriately. A failure by a Required Reporter to report a violation of this Policy may warrant disciplinary action up to and including termination.

This reporting obligation does not apply for any employee who has themselves been an alleged victim of Sexual Misconduct, Sexual Harassment, or Retaliation, with respect to the specific conduct or incident(s) affecting them.

6.7 Additional Reporting Resources

A student or applicant who believes that he or she has been discriminated against can also file a Charge of Discrimination with the U.S. Department of Education Office for Civil Rights.

U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: [\(617\) 289-0111](tel:(617)289-0111)
Facsimile: [\(617\) 289-0150](tel:(617)289-0150)
[Email: OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

The Regional Office serving New Hampshire can be contacted at:

U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: [\(617\) 289-0111](tel:(617)289-0111)
Facsimile: [\(617\) 289-0150](tel:(617)289-0150)
[Email: OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

6.8 Timing of Complaints

There is no time limit for filing a complaint or providing Notice under this Policy. However, if the Respondent is no longer subject to University's jurisdiction and/or significant time has passed, the University's ability to investigate, respond, and provide Remedies may be limited or impossible. Complainants are therefore strongly encouraged to file complaints in a timely manner to maximize the University's ability to promptly gather evidence, and conduct a thorough, impartial, and reliable investigation. If the Respondent is expected to graduate or complete a program during the pendency of the process, the University may temporarily withhold that student's Southern New Hampshire University degree, certificate, or other terminal credential, pending conclusion of the complaint Resolution procedures.

6.9 Independence and Conflict of Interest

- I. The Title IX Coordinator is responsible for oversight of the Title IX Team, and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator ultimately oversees all outcomes and Resolutions under this Policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any Party in a specific case, or for or against Complainants and/or Respondents, generally. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.
- II. To raise any concern involving bias or conflict of interest, or misconduct or discrimination committed by the Title IX Coordinator, contact the University's Chief of Staff, Donald Brezinski, by phone at [\(603\) 644-3109](tel:(603)644-3109), or email at d.brezinski@snhu.edu. The Chief of Staff may also coordinate with the Human Resources department regarding review and resolution of such concerns. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

7.0 Privacy and Confidentiality

7.1 Disambiguation

Cases involving alleged Sexual Harassment demand special attention to issues of privacy and confidentiality. For the purpose of this Policy, privacy and confidentiality have distinct meanings.

I. Privacy:

Privacy means that information related to a Formal Complaint will be shared with a limited number of University employees who “need to know” in order to assist in the assessment, investigation, and Resolution of the report, as well as the Parties and their Advisors. All employees who are involved in the University’s response to Notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the University’s FERPA policy, except where limited or superseded by the applicable Title IX regulations (found at 34 C.F.R. Part 106). The University reserves the right to designate which University officials have a legitimate educational interest in being informed about incidents that are subject to this Policy, consistent with FERPA. The privacy of employee records will be protected in accordance with Human Resources policies, except where limited by applicable law.

However, privacy in this context has limits: all Complainants must understand that the following receipt of a Formal Complaint of Sexual Harassment, the University is legally required to provide prompt written notice to all known Parties to the complaint of the following information:

- identities of Parties involved, if known
- conduct alleged to constitute Sexual Harassment
- date and location of incident(s)
- Notice of any additional allegations added after the initial notice to the known Parties

As further detailed below, known Parties are also entitled to receive certain evidence gathered during the investigation process that is directly related to the Formal Complaint.

The University will keep any supportive measures provided to any Complainant or Respondent private, to the extent that maintaining such privacy would not impair the ability to provide such measures.

The University may also by necessity contact parents/guardians or third-parties to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

7.2 Confidentiality:

For purposes of this Policy, Confidentiality should be understood in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, ordained clergy, and some sexual assault or domestic violence counselors. The law (which varies by state) creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The University has designated individuals who are able to have legally privileged communications as Confidential Professionals who are exempt from Required Reporter responsibilities. All other employees of the University are Required Reporters who must inform the Title IX Coordinator or other Official with Authority of any incidents subject to this policy.

When information is shared by a Complainant with a Confidential Professional, that person cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information.

All Confidential Professionals may be required or permitted to break confidentiality by law in certain circumstances, as more fully described in “Exceptions to Confidentiality,” below.

Confidential Professionals will not inform the University’s Title IX Coordinator of an incident, unless a Complainant directs them to do so, but can still assist the Complainant in receiving

other necessary protection and support, such as academic support or accommodations, disability, health or mental health services. As a practical matter, the full availability of some of these services may be limited in certain circumstances by a victim's desire for confidentiality and level of cooperation.

A Complainant who at first requests confidentiality from a Confidential Professional may later decide to file a Formal Complaint with the University.

7.3 Confidential Professionals

I. Professional and Pastoral Counsellors

SNHU can provide campus-based students with professional, licensed counsellors who provide mental-health counselling to members of the school community (and including those who act in that role under the supervision of a licensed counsellor). SNHU Wellness counsellors can be reached at [603-645-9679](tel:603-645-9679). Pastoral counsellors may also be available to speak to campus-based students through Campus Ministry, which can be reached at [603-645-9608](tel:603-645-9608) or by referral at the Wellness Center.

These counsellors are not required to report any identifying information about an incident to the Title IX Coordinator without a Complainant's permission. A counsellor may collect and eventually report some general, non-identifying data that will not lead to an investigation, such as the date of the report, date of the crime, and general location as part of the University's crime data reporting responsibility. A member of the community wishing to speak with a professional, licensed counsellor can request to do so through the on-campus Wellness Center.

Emergency services are available 24 hours a Day. Students can access services during normal business hours by calling [603-645-9679](tel:603-645-9679). During nights, weekends and holidays, a student can access services by contacting Public Safety at [603-645-9700](tel:603-645-9700) who will notify a counsellor on call.

Employees and students in the Global Campus, and other non-campus based students can also log on to the Global Campus [Wellness Center](#) webpage and find a list of available professional counselling resources in their state.

Employees also have access to the Employee Assistance Program (EAP) offered through Anthem, which can be reached at [1-800-647-9151](tel:1-800-647-9151).

II. Registered Nurses

In addition to counselling services, the campus Wellness Center is staffed by Advanced Practice Registered Nurse(s) (APRN) and licensed registered nurse(s). New Hampshire law (RSA 326-B) provides that confidential communications made to a nurse by a patient are entitled to the same privilege as those between a physician and a patient. As a result, a nurse in the Wellness Center is not required to reveal any details of an incident to the Title IX Coordinator. As with a professional counsellor, a nurse may collect and eventually report some general, non-identifying data that will not lead to an investigation, such as the date of the report, date of the crime, and general location as part of the University's crime data reporting responsibility.

III. Confidential Resource Advisors

As required by New Hampshire state law, the University has also designated Confidential Resource Advisors, who shall not be Required Reporters, and who shall be permitted to assist students in a confidential manner and provide appropriate resources and information, and assist any student with the reporting process, if desired.

For purposes of this Policy, all University-appointed and trained Advisors within the Grievance Process Pool are designated as Confidential Resource Advisors. Advisors

selected by parties from outside the Grievance Process Pool may not be designated as Confidential Resource Advisors as they may not have been trained or vetted by the University.

While communications between Advisors and their advisees are considered private as to the University and its personnel, Parties should be aware that legal privilege for communications made to Confidential Resource Advisors under New Hampshire law applies only to communications between victims of alleged sexual assault, alleged domestic abuse, alleged sexual harassment, or alleged stalking, and a Confidential Resource Advisor in the course of that relationship and in confidence. Therefore, communications made between a Respondent and their Advisor would typically be private as to the University but may not be legally privileged communications under New Hampshire state law.

The University may from time to time designate other employees or categories of employees as Confidential Resource Advisors and may also from time to time enter into Memoranda of Understanding with outside local, state, or national agencies to provide third-party Confidential Resource Advisors to Parties.

7.4 Exceptions to Confidentiality:

While these professional counsellors and nurses may maintain a victim's confidentiality vis-à-vis the University, they (and other University personnel) may have mandatory reporting or other obligations under state or federal law. For example, New Hampshire has a mandated reporter law for when a person "has reasons to suspect that a child has been abused or neglected" (R.S.A. §169-C:29), which requires timely disclosure to the N.H. Department of Health and Human Services if the victim is under eighteen years of age. A similar reporting law applies to incapacitated and elderly adults. (RSA 161-F:46). New Hampshire also has an anti-hazing statute that requires that any person who is present or otherwise has direct knowledge of any student hazing must report the hazing to law enforcement or educational institution authorities. (RSA 631:7)

Likewise, behaviour that poses a serious threat of harm to self or others, or receipt of a court order or a subpoena under certain circumstances can trigger a duty to timely disclose confidential information, irrespective of the categories above.

Also, if the University determines that the alleged perpetrator(s) poses a serious and immediate threat to the University community, Campus Safety may be called upon to issue a timely warning to the community as required by federal law. Any such warning should not include any information that identifies the Complainant.

8. Supportive Measures and Emergency Removal

8.1 Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged Sexual Misconduct, including Sexual Harassment, and/or Retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all Parties or the University's educational environment, and/or deter further harassment, discrimination, and/or Retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving Notice or a complaint. At the time that supportive measures are offered, the University

will inform the Complainant, in writing, that they may file a Formal Complaint with the University either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are reasonably considered with respect to the supportive measures that are planned and implemented, including with respect to privacy.

The University will maintain the privacy of the supportive measures, solely to the extent that privacy does not impair the University's ability to provide the supportive measures. The University will seek to ensure as minimal an academic impact on the Parties as reasonably possible. The University will implement measures in a way that does not unreasonably burden the other Party.

Supportive measures may include, but are not limited to:

- A. Referral to counseling, medical, and/or other healthcare services
- B. Referral to the Employee Assistance Program
- C. Referral to community-based service providers
- D. Student financial aid counseling
- E. Education to the community or community subgroup(s)
- F. Altering campus housing assignment(s)
- G. Altering work arrangements for employees or student-employees
- H. Safety planning
- I. Implementing contact limitations (restricted contact orders) between the Parties
- J. Academic support, extensions of deadlines, or other course/program-related adjustments
- K. Timely warnings
- L. Class schedule modifications, withdrawals
- M. Leaves of absence
- N. Increased security and monitoring of certain areas of the campus
- O. Any other actions deemed appropriate by the Title IX Coordinator

Violations of restricted contact orders will be referred to appropriate student or employee conduct processes for enforcement.

8.2 Emergency Removals and Administrative Leaves

I. Emergency Removals

The University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Public Safety Team, using objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student, employee, or two (2) representatives from a student organization will be given notice of the action and the option

to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting will be conducted remotely using electronic video conferencing technology whenever possible.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The University will implement the least restrictive emergency actions reasonably possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee (in consultation with Human Resources), restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the Parties.

II. Administrative Leaves

The University reserves its right to place an employee on administrative leave during the pendency of a grievance related to alleged Sexual Misconduct, Sexual Harassment, or Retaliation, in accordance with existing HR policy and procedures. No Appeal of an administrative leave is provided pursuant to this Policy.

8.3 Grievance Procedures:

The University will apply one of two grievance procedures based on the specific conduct alleged. As further described in Sections 9 and 10 of this Policy, these procedures largely mirror one-another, with important exceptions. For purposes of both Grievance Procedures, the Respondent is presumed not responsible for the reported misconduct unless and until a Final Determination is made at the conclusion of the applicable grievance process that the Respondent is responsible. The burden of proof is on the University, and not on either Party.

- I. The Title IX Sexual Harassment Grievance Procedures set forth in Section 9 apply only to qualifying allegations of Sexual Harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) as defined in this Policy.

The Sexual Harassment Grievance Procedures may be used to address collateral misconduct only if it is determined to be arising from the investigation of or occurring in conjunction with reported Sexual Harassment (e.g., Retaliation, vandalism, physical abuse of another).

- II. The Institutional Sexual Misconduct Grievance Procedures set forth in Section 10 to apply to Sexual Misconduct that does not constitute Sexual Harassment within the definitions and/or jurisdiction of the Title IX regulations. Complaints that are dismissed from the Sexual Harassment Grievance Procedures may (and often are) referred to be processed under the Institutional Sexual Misconduct Grievance Procedures, including for Sexual Harassment that does not meet the jurisdictional requirements of Title IX.

8.4 Other Policies and Procedures:

All other allegations of discrimination on the basis of a protected class (excluding Sexual Misconduct) will be referred to the University's Discrimination Complaint Protocol, except that complaints of disability discrimination will be addressed under the University's ADA/504 Grievance Procedure. Other incidents may be addressed through procedures elaborated in the student, faculty, and staff handbooks, or other applicable policies or procedures.

8.5 Timeframe for Response & Grievance Process

The University will conduct a timely review of complaints processed under either grievance process. Absent extenuating circumstances, review and Resolution is expected to take place within sixty (60) to ninety (90) days from Notice or receipt of the Formal Complaint. Absent extenuating circumstances, decisions on appeals are typically issued within thirty (30) days of the date of receipt of the appeal.

8.6 Extensions

For purposes of complaints processed under either grievance process, all deadlines and time requirements in the grievance process may be extended for good cause as determined by the Title IX Coordinator or their designee. Both the Respondent and the Complainant will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or event. Extensions requested by one Party will ordinarily not be longer than 5 business/school days.

9. Title IX Sexual Harassment Grievance Process

9.1 Initial Assessment

Following receipt of Notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator² engages in an initial assessment, which is typically one to five days in duration. The steps in an initial assessment can include:

- I. If Notice is given, the Title IX Coordinator seeks to determine if the Complainant wishes to make a Formal Complaint, explains the process to do so, and provides assistance with filing, if desired.
- II. If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- III. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in³ the education program or activity of the University.

² If circumstances require, the Vice President of Student Affairs or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

³ A Complainant who has graduated may still be "attempting to participate" in the University's education program or activity; for example, where the Complainant has graduated from one program but intends to apply to a different program, or where the graduated Complainant intends to remain involved with a recipient's alumni programs and activities. Similarly, a Complainant who is on a leave of absence may be "participating or attempting to participate" in the recipient's education program or activity; such a Complainant may still be enrolled as a student even while on leave of absence, or may intend to re-apply after a leave of absence and thus is still "attempting to participate".

- IV. The Title IX Coordinator reaches out to the Complainant to assess and offer supportive measures, (which may also have already been offered or provided prior to the filing of a Formal Complaint).
- V. The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- VI. The Title IX Coordinator works with the Complainant to determine whether the Complainant seeks supportive measures only, an Informal Resolution option (only after filing a Formal Complaint), or a formal investigation and grievance process.
 - A. If a Formal Complaint has not been filed, and the Complainant wishes only to pursue supportive measures, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation of appropriate supportive measures.
 - B. If the Complainant does not wish to file a Formal Complaint after the Title IX Coordinator describes the process, discusses availability of supportive measures, and considers the Complainant's wishes, the Title IX Coordinator may in their discretion still initiate a Formal Complaint by signing it in lieu of the Complainant. The Title IX Coordinator may consider a variety of factors in making this assessment, including a pattern of alleged misconduct by the Respondent.
 - C. If the Title IX Coordinator does not sign a Formal Complaint, and an Informal Resolution option is preferred by Complainant, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available, and seek to determine if the Respondent is also willing to engage in Informal Resolution. If so, each Party's voluntary written Consent is required to proceed with Informal Resolution.
 - D. If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX Sexual Harassment and this procedure,
 - 1. If it does, the Title IX Coordinator will initiate the formal investigation and grievance process.
 - 2. If it does not, the Title IX Coordinator issues a determination that this procedure does not apply (and will "dismiss" that aspect of the complaint, if any), assesses which other University policies may apply, which resolution process is applicable, and will refer the matter accordingly. Dismissing a complaint under these Sexual Harassment Grievance Procedures is procedural, and does not limit the University's authority to address a complaint with other appropriate processes and Remedies. Complaints dismissed from the Sexual Harassment Grievance Procedures will often be referred to the Institutional Sexual Misconduct Grievance Procedures (Section 10) or other applicable University process for Resolution.

9.2 Dismissal (Mandatory and Discretionary)

- I. The University must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:
 - A. The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in the Policy hereinabove, even if proved; and/or
 - B. The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
 - C. The conduct did not occur against a person in the United States.

- II. The University may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:
 - A. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
 - B. The Respondent is no longer enrolled in or employed by the University; or
 - C. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Parties.

This dismissal decision is appealable by any Party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

9.3 Counterclaims

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after Resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

9.4 Right to an Advisor

The Parties may each have one Advisor of their choice present with them for all meetings and interviews within the Resolution process, if they so choose. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.⁴

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A Party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

I. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a Party chooses to advise, support, and/or consult with them throughout the Resolution process. The Parties may choose Advisors from inside or outside of the University community.

The Title IX Coordinator will also offer to assign a trained Advisor for any Party if the Party so chooses. If the Parties choose an Advisor from the pool available from the University, the Advisor will be trained by the University and be familiar with the University's Resolution process and will have been designated as a Confidential Resource Advisor under New Hampshire law.

⁴ "Available" means the Party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

If the Parties choose an Advisor from outside the pool of those identified by the University, the Advisor may not have been trained by the University and may not be familiar with the University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the Resolution process, prior to a hearing.

II. Advisors in Hearings/The University-Appointed Advisor

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the Parties' Advisors. The Parties are not permitted to directly cross-examine each other or any witnesses. If a Party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A Party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the Party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised Party in the hearing itself. Questioning of the Parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

III. Advisor's Role

The Parties may be accompanied by their Advisor in all meetings and interviews at which the Party is entitled to be present, including intake and interviews. Advisors should help the Parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The University cannot guarantee equal Advisory rights, meaning that if one Party selects an Advisor who is an attorney, but the other Party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

IV. Advisor Violations of University Policy

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or directly represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination, or as otherwise specifically permitted by this Policy.

The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

V. Sharing Information with the Advisor

The University expects that the Parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may

share this information directly with their Advisor if they wish. Doing so may help the Parties participate more meaningfully in the Resolution process.

The University also provides a Consent form that authorizes the University to share such information directly with their Advisor. The Parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating Consent to a release of information to the Advisor before the University is able to share records with an Advisor.

VI. Privacy of Records Shared with Advisor.

Advisors are expected to maintain the privacy of the records shared with them, except where their advisees provide express permission to share private information.

VII. Expectations of an Advisor

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

VIII. Expectations of the Parties with Respect to Advisors

A Party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The Parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The Parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a Party changes Advisors, Consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

9.5 Resolution Processes

Resolution proceedings are private. All persons present at any time during the Resolution process are expected to maintain the privacy of the proceedings in accordance with this Policy. While there is an expectation of privacy around what Investigators share with Parties during interviews, the Parties have discretion to share their own knowledge and evidence with others if they so choose. The University encourages Parties to discuss this with their Advisors before doing so.

I. Informal Resolution Options

Informal Resolution can include three different approaches:

- A.** When the Parties agree to resolve the matter through an offered alternate resolution mechanism including mediation, restorative practices, etc.;
- B.** When the Respondent accepts responsibility for violating policy, and desires to accept a Sanction and end the resolution process; or
- C.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any Party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the University will provide the Parties with written notice of the reported misconduct and any Sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. Informal resolution is never appropriate or available for allegations that an employee sexually harassed a student.

II. Alternate Resolution

Alternate Resolution is an informal process, including mediation or restorative practices, etc. by which a mutually agreed upon Resolution of an allegation is reached. All Parties must Consent in writing to the use of Alternate Resolution.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the Parties:

- A.** The Parties' amenability to Alternate Resolution;
- B.** Likelihood of potential Resolution, taking into account any power dynamics between the Parties;
- C.** The Parties' motivation to participate;
- D.** Civility of the Parties;
- E.** Whether an emergency removal is needed;
- F.** Skill of the Alternate Resolution facilitator with this type of complaint;
- G.** Complaint complexity;
- H.** Emotional investment of the Parties;
- I.** Rationality of the Parties;
- J.** Goals of the Parties;
- K.** Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available (with Consent of the parties) or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any Resolution that is reached, and failure to abide by the Resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable after a Resolution agreement has been signed.

III. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all Parties and the University are able to agree on responsibility, Sanctions, and/or Remedies. If so, the Title IX Coordinator implements the accepted Finding that the Respondent is in violation of The University policy and implements agreed-upon Sanctions and/or Remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all Parties indicate their written assent to all agreed upon terms of Resolution. When the Parties cannot agree on all terms of Resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a Resolution is accomplished, the appropriate Sanction or responsive actions are promptly implemented under the direction of the Title IX Coordinator.

IV. Negotiated Resolution

The Title IX Coordinator, with the written Consent of the Parties, may negotiate and implement an agreement to resolve the allegations that satisfies all Parties and the University. Negotiated Resolutions are not appealable after agreement is reached. Failure by a Party to honor and portion of an agreement may be punishable under the Student Code of Conduct, or Employee Handbook, as applicable.

9.6 Grievance Process Pool

The Formal Grievance Process relies on the Grievance Process Pool (“the Pool”) to carry out the process.

I. Pool Member Roles

A. Roles

Members of the Pool are trained, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- 1) To act as an Advisor to the Parties (note that Party-selected Advisors from outside the Pool are not considered part of the Pool and do not receive training from the University)
- 2) To serve in a facilitation role in Informal Resolution under the direction of the Title IX Coordinator
- 3) To investigate complaints
- 4) To serve as a hearing facilitator (process administrator, no decision-making role)
- 5) To serve as a Decision-Maker, either individually or as part of a panel, regarding the complaint
- 6) To serve as an Appeal Decision-maker

II. Pool Member Appointment

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the University can also designate

permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

The University reserves the right to supplement the pool on an as-needed basis with individuals from external service providers, consultants, or other firms.

III. Pool Member Training

The Pool members who will serve in an Investigator, Decision-Maker role, or who facilitate Informal Resolution processes, receive annual training related to their respective roles. This training includes, but is not limited to:

- A.** The scope of this Policy and associated procedures
- B.** The scope of the University's programs and activities
- C.** The definition of Sexual Harassment
- D.** How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution processes, as applicable
- E.** How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, and how to avoid reliance on sex stereotypes
- F.** Any technology to be used at a live hearing
- G.** Issues of relevance of questions and evidence
- H.** For those filling the Investigator role, Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- I.** Reporting, confidentiality, and privacy requirements
- J.** How to apply definitions used by the University with respect to Consent (or the absence or negation of Consent) consistently, impartially, and in accordance with policy
- K.** For Decision-Makers, how to determine appropriate Sanctions in reference Sexual Harassment findings.

All Pool members are required to attend these trainings. The training materials used to train all members of the Pool are publicly posted here.

9.7 Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- I.** A meaningful summary of all of allegations,
- II.** The identity of the involved Parties (if known),
- III.** The specific conduct alleged to constitute Sexual Harassment,

- IV. The date and location of the alleged incident(s) (if known),
- V. A copy of the specific policies implicated (including this Policy),
- VI. The URL of the University's public webpage with Title IX materials
- VII. A description of the applicable procedures,
- VIII. A statement of the potential Sanctions/responsive actions that could result,
- IX. A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- X. A statement that Final Determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- XI. A statement about the University's policy on Retaliation,
- XII. Information about the privacy of the process,
- XIII. Information on the right of Parties to have an Advisor of their choice, who may be, but is not required to be, an attorney,
- XIV. A statement informing the Parties that the University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution process,
- XV. Detail on how the Party may request disability accommodations during the interview process,
- XVI. The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any bias or conflict of interest that the Investigator(s) may have, and
- XVII. An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties as indicated in official University records, or emailed to the Parties' University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9.8 Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

9.9 Ensuring Impartiality

Any individual materially involved in the administration of the Resolution process may neither have a conflict of interest or bias for a Party generally, or for a specific Complainant or Respondent specifically.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The Parties may, at

any time during the Resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the University's Chief of Staff.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by a preponderance of the evidence.

9.10 Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the investigation.

9.11 Delays in the Investigation Process and Interactions with Law Enforcement

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The University will communicate in writing the anticipated duration of the delay and reason to the Parties and provide the Parties with status updates if necessary. The University will promptly resume its investigation and Resolution process as soon as feasible. During such a delay, The University will implement supportive measures as deemed appropriate.

The University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

9.12 Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant Parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Title IX Coordinator or assigned deputy coordinator may be present to observe any of the steps in the investigation process, including party or witness interviews, as part of their oversight responsibilities.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- I. Determine the identity and contact information of the Complainant
- II. In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- III. Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- IV. Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- V. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the Parties
- VI. Meet with the Complainant to finalize their interview/statement, if necessary
- VII. Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
- VIII. Notice should inform the Parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the Party
- IX. Provide each interviewed Party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- X. Make good faith efforts to notify the Parties of any meeting or interview involving the other Party, in advance when possible
- XI. When participation of a Party is expected, provide that Party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- XII. Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- XIII. Allow each Party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other Party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- XIV. Complete the investigation promptly and without unreasonable deviation from the intended timeline
- XV. Provide regular status updates to the Parties throughout the investigation.
- XVI. Prior to the conclusion of the investigation, provide the Parties and their respective Advisors (if so desired by the Parties) with a list of witnesses whose information will be used to render a Finding
- XVII. Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- XVIII. Prior to the conclusion of the investigation, provide the Parties and their respective Advisors (if so desired by the Parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a Final Determination, for a ten (10) business Day review and comment period so that each Party may meaningfully respond to the evidence. The Parties may elect to waive the full ten

days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

- XIX.** The Investigator(s) may elect to respond in writing in the investigation report to the Parties' submitted responses and/or to share the responses between the Parties for additional responses
- XX.** The Investigator(s) will incorporate relevant elements of the Parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- XXI.** The Investigator shall have an opportunity to receive confidential legal advice regarding any aspect of the investigation or the report from the University's legal counsel
- XXII.** The Investigator will incorporate any relevant feedback, and the final report is then shared with all Parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The Parties are also provided with a file of any directly related evidence that was not included in the report

9.13 Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the Parties) who are employees of the University are expected to cooperate with and participate in the University's investigation and Resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or Resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for Parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Remote conference technologies may be used for interviews in the Investigator's discretion. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

9.14 Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved Parties must be made aware of audio and/or video recording.

9.15 Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the Parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

9.16 Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the Parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the Parties and the Decision-maker–unless all Parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker or panel of Decision-makers from the Pool.

9.17 Hearing Decision-maker Composition

The University will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the Resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any Party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

Legal counsel for the University may be present in the hearing to observe and provide legal counsel to the Chair or panel during recesses which may be called by the Chair as reasonably necessary.

9.18 Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the Parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate Sanction upon a determination of responsibility, in accordance with the University's progressive discipline system. This information is only considered at the Sanction stage of the process.

University personnel may not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written Consent to do so for a grievance process under this section.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

9.19 Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the Parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- I. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential Sanctions/responsive actions that could result.
- II. The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- III. Any technology that will be used to facilitate the hearing.
- IV. Information about the option for the live hearing to occur with the Parties located in separate rooms using technology that enables the Decision-maker(s) and Parties to see and hear a Party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- V. A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- VI. Information on how the hearing will be recorded or transcribed and on access to the recording for the Parties after the hearing.
- VII. A statement that if any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the Party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- VIII. Notification that the Parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The Party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each Party must have an Advisor present. There are no exceptions.
- IX. A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.⁵
- X. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the Resolution timeline followed by the University and remain within the 60-90 business Day goal for Resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

9.20 Alternative Hearing Participation Options

The Title IX Coordinator or the Chair can arrange to use web or video conferencing technology to allow remote testimony and otherwise conduct a live hearing by video conference without compromising the fairness of the hearing. Remote options may also be needed during in-person hearings for witnesses who cannot appear in person. Any witness who cannot attend in person

⁵ The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

9.21 Pre-Hearing Preparation

The Chair, after any necessary consultation with the Parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the Parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all Parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the Parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The Parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than 48 hours prior to the hearing. Decision-makers will only be substituted if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all Parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the Parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business Day period prior to the hearing, the Parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each Party by the Chair.

9.22 Pre-Hearing Meetings

The Chair in their discretion may convene a pre-hearing meeting(s) with the Parties and their Advisors to invite them to submit the questions or topics they (the Parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

At each pre-hearing meeting with a Party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the Parties prior to the hearing to assist in preparation for the hearing. The Chair may during a recess consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

9.23 Hearing Procedures

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of Sexual Harassment and may also hear and make determinations on any

additional alleged policy violations that have occurred in concert with the Sexual Harassment, including related Retaliation.

Participants at the hearing may include the Chair, any additional panelists, a hearing facilitator (if deemed necessary) the Investigator(s) who conducted the investigation, the Parties, Advisors to the Parties, any called witnesses, the Title IX Coordinator, observing legal counsel for the University, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the Parties and will then be excused.

9.24 Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

9.25 The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

At the hearing, recording, witness logistics, Party logistics, curation of documents, separation of the Parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various Parties/witnesses as they wait; flow of Parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

9.26 Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the Parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the Parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and Parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

9.27 Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the Parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The Parties/witnesses will submit to questioning by the Decision-maker(s) and then by the Parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the Parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the Party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

9.28 Refusal to Submit to Cross-Examination and Inferences

If a Party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that Party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the Party or witness may be considered.

If the Party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the Party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. Similarly, statements can be relied upon when questions are posed by the Decision-maker(s), as distinguished from questions posed by Advisors through cross-examination.

The Decision-maker(s) may not draw any inference solely from a Party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than Sexual Harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all Parties through their Advisors, and may draw reasonable inferences from any decision by any Party or witness not to participate or respond to questions.

If a Party's Advisor of choice refuses to comply with the University's established rules of decorum for the hearing, the University may require the Party to use a different Advisor. If the University-provided Advisor refuses to comply with the rules of decorum, the University may provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.

9.29 Recording Hearings

Hearings (but not deliberations) are recorded or transcribed by the University for purposes of review in the event of an appeal. The Parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the Parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

9.30 Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to make a Finding or Final Determination. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

The Decision-maker(s) will review the statements from the hearing and any pertinent conduct history and determine the appropriate Sanction(s).

The Chair will then prepare a written determination regarding responsibility and deliver it to the Title IX Coordinator, detailing the elements listed below:

- I. Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy;
- II. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- III. Findings of fact supporting the Final Determination;
- IV. Conclusions regarding the application of the University's Policy to the facts;
- V. A statement of, and rationale for, the result as to each allegation, including a Final Determination regarding responsibility, any disciplinary Sanctions the University will impose on the Respondent, and whether Remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the University to the Complainant; and
- VI. The University's procedures and permissible bases for the Complainant and Respondent to appeal.

This report typically should not exceed five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the Parties.

9.31 Resolution Letter

Within 7 days of receiving the deliberation statement, the Title IX Coordinator will assist the Decision Maker to convey the deliberation statement to all Parties, including any Sanctions and findings of fact, in the form of a Resolution Letter, signed by the Decision Maker.

The Resolution Letter will be shared with the Parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official University records, or emailed to the Parties' University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Remedies (other than Sanctions) provided to the Complainant designed to ensure access to the University's educational or employment program or activity are not typically shared with the Respondent unless the Remedy directly relates to the Respondent.

The Resolution Letter will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

9.32 Sanctions

I. Factors:

Factors that may be considered when determining a Sanction/responsive action may include, but are not limited to:

- A.** The nature, severity of, and circumstances surrounding the violation(s)
- B.** The Respondent's disciplinary history
- C.** Previous allegations or allegations involving similar conduct
- D.** The need for Sanctions/responsive actions to bring an end to the Sexual Misconduct, Sexual Harassment, and/or Retaliation
- E.** The need for Sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or Retaliation
- F.** The need to remedy the effects of the discrimination, harassment, and/or
- G.** Retaliation on the Complainant and the community
- H.** The impact on the Parties
- I.** Any other information deemed relevant by the Decision-maker(s)

The Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The Sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or Sanctions imposed by external authorities.

II. Student Sanctions

The following are the usual Sanctions that may be imposed upon students or organizations singly or in combination:

- A.** Warning A warning consists of formal notification that the student has violated the university's community standards and advises that repetition will result in a more severe Sanction.
- B.** Reprimand At this increased standing, students understand a formal reprimand is in place.
- C.** Residence Probation Students are placed on residence probation for a minimum of one semester. The Decision-Maker reserves the right to determine the length of probation based on the incident and the student's past history. Any violation of university policy during the probationary period may result in the student's referral for residence suspension.
- D.** Residence Suspension automatically carries with it the status of persona non grata in the residential areas. If the student has lost the privilege to live on campus, he/she/they is barred from the residence areas and will only be allowed in non-residential spaces, administrative and academic buildings, and the Dining Center between 7:30 am and

12:00 am. The student's vehicle may only be on campus during that time, and parking is restricted to Lots 1 or 12.

- E.** University Probation This Sanction is the most serious warning for violation of university regulations prior to university suspension, and it places limits on the student's good standing with the university. Students on university probation may be limited in their ability to attend university programs and if a student is currently in residence, this status automatically carries residence probation. If the student is found responsible for violating any university policy during the period of probation, both residence suspension and/or university suspension may become effective and the student may be subject to additional Sanctions.
- F.** University Suspension means that the student is dismissed from the university for a given period of time, with an opportunity for re-admission. If suspended from the university, the student will be persona non grata in all university facilities and online environments and from all university functions for the period of his/her/their suspension.
- G.** University Dismissal If a student is dismissed from the university, he/she/they is permanently dismissed from the university without opportunity for readmission. If dismissed from the university, the student will be persona non grata in all university facilities and online environments and from all university functions.

As this model is presented in increasing severity, it should be noted that violations may be cumulative. A student's prior conduct history and length of time between violations are factors considered when selecting a conduct Sanction.

In some cases, a Sanction may be held in abeyance. This means that the suspension will not be enforced immediately, but is "in place". This conduct status requires that specific conditions be fulfilled. Any violation of those conditions will result, at a minimum, in immediate enforcement of the suspension without a hearing. It may also result in further conduct action.

III. Employee Sanctions

Responsive actions available for an employee who has engaged in Sexual Harassment, Sexual Misconduct, and/or Retaliation include:

- A.** Warning – Verbal or Written
- B.** Performance Improvement/Management Process
- C.** Required Training or Education
- D.** Probation
- E.** Loss of Annual Pay Increase
- F.** Loss of Oversight or Supervisory Responsibility
- G.** Demotion
- H.** Suspension with pay
- I.** Suspension without pay
- J.** Termination
- K.** Other Actions: In addition to or in place of the above Sanctions, the University may assign any other Sanctions as deemed appropriate.

9.33 Withdrawal or Resignation While Charges Pending

I. Students:

If a student has an allegation pending for violation of this Policy, the University may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the Resolution process, the process proceeds absent their participation to a reasonable Resolution. Should a student Respondent permanently withdraw from the University, the Resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student with respect to Sexual Harassment.

However, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Sexual Harassment, and/or Retaliation. The student who withdraws or leaves while the process is pending may not return to the University. Such exclusion applies to all campuses and modalities of the University. A hold will be placed on their ability to be readmitted. They may also be barred from University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the Resolution process may continue remotely, and that student is not permitted to return to the University unless and until all Sanctions have been satisfied.

II. Employees:

Should an employee Respondent resign with unresolved allegations pending, the Resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged Sexual Harassment.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the University or any campus of the University, and the records retained by the Title IX Coordinator will reflect that status.

9.34 Appeals

Any Party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 7 days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. No Appeal Decision maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal.

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

I. Grounds for Appeal

Appeals are limited to the following grounds:

- A.** Procedural irregularity that affected the outcome of the matter;

- B. New evidence that was not reasonably available at the time the Final Determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Chair and the Parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other Party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other Party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 7 days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all Parties for review and comment.

The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Chair will render a decision in no more than 7 business days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all Parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the Finding on each ground for appeal, any specific instructions for remand or reconsideration, any Sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official institutional records, or emailed to the Parties' the University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

IV. Sanctions Status During the Appeal

Any Sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the Sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation. The University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original Sanctions included separation.

V. Appeal Considerations

- A. Decisions on appeal are to be deferential to the original decision, making changes to the Finding only when there is clear error and to the Sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- B. Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of

the original hearing and pertinent documentation regarding the specific grounds for appeal.

- C. An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the Finding and/or Sanction(s).
- D. The Appeal Chair/Panel may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- E. Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- F. Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or Sanction is changed on remand (except in the case of a new hearing).
- G. In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- H. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- I. In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status.

9.35 Failure to Comply with Sanctions

All Respondents are expected to comply with the assigned Sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the Sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional Sanction(s)/action(s) pursuant to the University's standard conduct process, including suspension, expulsion, and/or termination from the University.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

9.36 Recordkeeping

The University will maintain for a period of at least seven years records of:

- I. Each Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- II. Any disciplinary Sanctions imposed on the Respondent;
- III. Any Remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- IV. Any appeal and the result therefrom;
- V. Any Informal Resolution and the result therefrom;

- VI. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on the University's website; and
- VII. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment, including:
 - A. The basis for all conclusions that the response was not deliberately indifferent;
 - B. Any measures designed to restore or preserve equal access to the University's education program or activity; and
 - C. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The University will also maintain any and all records in accordance with state and federal laws.

9.37 Disabilities Accommodations in the Resolution Process

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's Resolution process.

Students needing such accommodations or support should contact the Campus or Online Accessibility Centers. Employees should notify their HR business partner. The request will be reviewed, and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

10. Southern New Hampshire University Institutional Sexual Misconduct Grievance Procedures

10.1 Scope:

The University adopts these Institutional Sexual Misconduct Grievance Procedures for purposes of all Sexual Misconduct this is not otherwise subject to the Sexual Harassment Grievance Procedures (hereafter referred to as "other Sexual Misconduct").

These procedures do not apply for cases where both the Complainant and Respondent are employees, and not students. Instead, procedures and policies of the Employee Handbook and SNHUPEA Master Agreement (as applicable) apply to such matters between employees falling outside the scope of the definition/jurisdiction of Sexual Harassment under this Policy.

10.2 Procedure:

The University adopts and will employ the same procedures as are set forth in Section 9, above, including designated appeal procedures, for purposes of addressing all other Sexual Misconduct, with the following important exceptions.

For purposes of these Institutional Sexual Misconduct Grievance Procedures:

I. Advisors:

Advisors may attend Investigatory meetings and hearings, but may only provide input and advice to the student for whom they are appointed directly. They may not advocate directly or represent the student in any proceedings, nor question witnesses. Reasonable breaks or recesses can be provided to permit private consultation with Advisors.

II. Cross Examination:

Neither a student nor his or her Advisor is permitted to directly cross examine another Party. Questions for the witness may be submitted by the questioning student, and, after assessment by the Chair, may be asked, or modified, to the witness by the Chair directly.

III. Admissibility of Statements:

Statements made but which are not the subject of cross-examination may still be considered and weighed by the Decision-Maker(s). This may occur, for example, if a Respondent or Complainant does not attend a hearing, but made statements to the Investigator in the course of an Investigation. Section 9.28, therefore, does not apply.

IV. Dismissal Requirements:

The mandatory dismissal requirements set forth in Section 9.2, Subsection I. do not apply. The discretionary dismissal standards articulated in Subsection II do apply. In addition, the Title IX Coordinator may dismiss any complain that would not constitute Sexual Misconduct or a violation of this Policy, even if proved, or if the Respondent is not subject to the University's jurisdiction or control.

11 Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing Sexual Misconduct, including Sexual Harassment, and related Retaliation and will be reviewed and updated by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the Resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any Party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

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Student Conduct Discipline Process

Filing a Report

When the Student Code of Conduct may have been violated, an incident report is filed by a student, faculty, staff, or community member who becomes aware of, observes, or is the victim of the incident. This report is reviewed, and, if necessary, the student is directed to attend a hearing to determine what, if any, violation may have occurred.

Students have the right to obtain a copy of the incident report written by the reporting person. The hearing process is intended to be educational in nature and is based on the concept of due process. The procedures provide for a prompt, fair, and impartial investigation and resolution. This includes reasonable notice of the violation in question and an opportunity for a student to be heard.

An incident can be pursued through the hearing process up to one year after the information regarding the violation is discovered, though complaints against former students will not be processed. Reports regarding graduating students should be filed prior to their graduation and, when possible, with sufficient time before graduation so that an investigation and hearing can occur.

Reviewing a Report

Review of all alleged violations is overseen by the Community Standards Office, the Assistant Vice President of Student Success, or an authorized designee. Their role is to identify those acts that may be in conflict with the Student Code of Conduct. Alleged violations are assigned to an appropriate hearing officer within Residence Life, Public Safety, Advising, or Student Affairs. Generally, 48-hour notice is given prior to a meeting/hearing. If circumstances necessitate, the hearing may be scheduled immediately. Written notice of the date, time, location, and allegation(s) is sent to a student's University email account. Depending on the urgency, notice may also be hand delivered.

For Global Campus students, every reasonable effort will be made to contact involved parties via SNHU email and/or telephone. Students are required to check their University email and mailbox every day as part of their responsibilities as a student.

If the student fails to attend the hearing, a decision will be made in his/her absence and his/her right to appeal the findings will be forfeited.

Depending on the nature of the report, concerning behavior may be resolved using either an informal or formal method of resolution. Formal resolution will always result in a hearing and become part of the student's conduct file. Informal resolutions can only be considered in alleged minor violations and are used at the discretion of the University staff member reviewing the report. An informal resolution may transition into a formal hearing for any reason including new information learned during an informal meeting or when an informal resolution cannot be reached. Examples of informal resolution can include:

- Educational letter, conversation, or agreement.
- Mediation. If mediation is deemed appropriate, contact will be made to all parties involved and an explanation of the process will be offered. If accepted by all parties, mediation will be viewed as an alternative solution. Should an agreement not be possible, the incident may be pursued through a hearing. All agreements reached through mediation are binding. If at any point the agreement is not fulfilled, the negligent party may face further conduct action. Mediation is not an option in cases of sexual misconduct.

Preliminary Meeting

In some cases, it may be appropriate for a hearing officer, Public Safety officer, or other University staff member to meet or speak with students who may have relevant knowledge about an incident. This investigative process allows the responding staff member to make decisions about an informal or formal approach. These meetings also allow the University to collect information in order to meet its burden of proof.

Hearing Procedures

The use of a formal resolution requires a conduct hearing. The Director of Community Standards, Global Campus Student Conduct Officer, the Assistant Vice President of Student Success, or an authorized designee determines whether the incident will be handled through an administrative hearing or conduct board hearing. Some alleged violations, including violence, sexual misconduct, controlled substance use, and patterns of misconduct could result in a sanction of suspension or dismissal. If the alleged violation could result in separation from the University, the matter may be reviewed by the Director of Community Standards, Global Campus Student Conduct Officer, the Assistant Vice President of Student Success, an authorized designee, or the conduct board. Cases may be referred to the conduct board when the complexity of the case or allegation is significant. The Director of Community Standards, Global Campus Student Conduct Officer, the Assistant Vice President of Student Success, or an authorized designee determines the appropriate hearing venue. All hearings are closed to the public, with the exception of witnesses who are not University community members, but who have direct information regarding the incident or if there are criminal or civil charges pending against the respondent regarding the incident. These exceptions are made at the discretion of the hearing officer.

Officials who receive annual training on issues related to sexual assault, domestic violence, dating violence and stalking may conduct investigations into such incidents; hearing officers are also trained regarding such issues.

Hearings may be expedited to protect community members. Students or recognized clubs/organizations who are alleged to have been involved in a significant violation may be suspended in the interim from either residence or the University pending a hearing, should the Dean of Students, Assistant Vice President of Student Success, or an authorized designee deem it is necessary. Residents may also be temporarily relocated pending a hearing. Incidents reported during the summer and during breaks when the conduct board is not available may be handled through the administrative hearing process. In these circumstances, the University may assemble a special panel of staff or faculty to assist with an administrative hearing.

The steps below specify the procedures that must be followed when determining if a violation has occurred and assures that due process is followed.

- **Notice**
Students will receive a letter electronically from the appropriate University staff member, informing them of a conduct hearing to discuss the incident. Students must be given 48 hours' notice for hearings and preliminary hearings. For Global Campus students, every reasonable effort is made to contact involved parties via SNHU email and or telephone. At the conclusion of a preliminary hearing, the student receives electronic notification indicating the date, time and location of the conduct board hearing.
- **Attendance**
If the student fails to attend the hearing, the review will be made in his/her absence and the student will also forfeit his/her right to appeal the findings.
- **Presentation**
A hearing officer will review the incident reports and the student will present his/her own case. If the case suggests that an initial investigation should take place due to the complexity, a University staff member will be assigned to complete the investigation.
- **Finding and Sanction**
Based upon the information presented, the hearing officer or conduct board will determine if the student is responsible for the alleged violation(s). Sanctioning is considered only after responsibility has been determined and is based solely on the severity of the violation and a student's previous conduct record. The decision of the conduct board will be subject to final review by the Director of Community Standards, the Assistant Vice President of Student Success, or designee.
- **Notice of Results**

An email with an attached letter notifying the student of the results of the hearing will be sent electronically no later than five business days following the hearing. Additional time may be needed if the case is complicated in nature. A copy of the notification may also be sent to the student's parents at the discretion of the hearing officer. Decisions made by the conduct board and/or hearing officer are final pending the appeal process.

Conduct Board Hearings

The conduct board is comprised of students, faculty, and/or staff. When a case is referred to the board, the Director of Community Standards, the Student Conduct Officer, the Assistant Vice President of Student Success, or an authorized designee may offer all involved students a preliminary meeting to prepare them for the process. The administrator is available to discuss the incident reports, students' rights, and the hearing process.

In cases assigned to the conduct board, members will participate on a rotating basis. Attendance at hearings ranges from three to six conduct board members. The Director of Community Standards, Global Campus Student Conduct Officer, or designee will determine the composition of the board and serve as a non-voting advisor to the board. All board members commit to upholding the Student Code of Conduct and respecting the process' confidentiality.

Students participating in a conduct board hearing will be given the names of the conduct board members in advance of the hearing. Should a student believe that any conduct board member is biased or could not render an impartial judgment, the student may challenge the individual's participation in the hearing. The Director of Community Standards, the Assistant Vice President of Student Success, or an authorized designee will rule on such challenges, and the decision will be final.

Hearing Guidelines

The following guidelines generally apply to administrative and University conduct board hearings, outlining a common understanding of the rights and responsibilities generally afforded to students participating in the hearing process. Since every case is unique, the guidelines may be changed or modified by a hearing officer or conduct board as needed.

1. Pending action on any alleged violations, a student's status is not altered, nor her/his rights suspended to be present on campus or attend classes, except to protect the health or safety of students, faculty, or staff or to safeguard University property.
2. The University's burden of proof is to show that it is more likely than not that the student is responsible for the alleged violation or pattern of misconduct. The rules of evidence applicable to civil and criminal court cases do not apply. Hearing decisions are made based upon a preponderance of the information presented – whether a violation of University policy more likely than not occurred.
3. A student is responsible for complying with all policies as listed in the Student Code of Conduct, including those that occur through encouragement or neglect.
4. A student has the right to review the incident report and evidence presented by University staff. The hearing officer and/or conduct board may also review the incident report and relevant information prior to the hearing.
5. All written or physical evidence not contained in the originating incident report must be presented to the hearing officer or conduct board advisor 24 hours before the hearing begins.
6. Written witness statements must be presented to the hearing officer or conduct board advisor 24 hours before the hearing begins. A witness is defined as someone who observed the actual incident and may be called in to discuss her/his statement prior to the hearing. A pre-hearing meeting is at the discretion of the hearing officer or conduct board advisor.
7. A student may have a faculty or staff advisor of his/her choosing present at the hearing. The student's advisor may not participate directly in any aspect of the hearing and may only confer

with the student. An advisor will not be allowed to disrupt the hearing by recess or conference outside the hearing. It is the student's responsibility to present all aspects of his/her own defense. A student must notify the hearing officer or conduct board advisor of the student's advisor 24 hours before the hearing begins.

8. A student may refuse to answer a question, with the understanding that the hearing officer or conduct board must decide the matter based upon the information available at the time of the hearing.
9. The hearing officer or conduct board advisor exercises discretion over admission of any person into the hearing.
10. In incidents involving more than one party, the hearing may be conducted as a joint hearing.
11. The hearing is conducted formally and summary notes may be kept. A hearing officer or conduct board may audio record the hearing if it is deemed appropriate.
12. If a student is found responsible, the hearing officer or conduct board reviews the student's full conduct record to decide if a sanction should be more severe based upon past history. This information is not used to determine a student's responsibility for alleged violations.
13. No later than five business days following the hearing, a student receives a letter electronically from the hearing officer or conduct board advisor, informing her/him of the hearing's results. Additional time may be needed if the case is complicated in nature. In cases involving both a complainant and respondent, both parties are notified of the outcome.
14. A student who has participated in the hearing process and been found responsible for violating the Student Code of Conduct may file a written appeal. Appeals will only be granted if one of three criteria is met, as described in the Appeal Process section of the Student Handbook. In cases involving sexual assault, both the complainant and respondent may file an appeal.
15. If the student fails to attend the hearing, the hearing occurs in his/her absence and the student forfeits the right to appeal the hearing officer or conduct board's findings.
16. During the hearing, the University may accommodate concerns for the personal well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses by providing separate facilities, using a visual screen, and/or permitting participation by telephone, videophone, closed circuit TV, video conferencing, video and/or audio recordings, written statement, or other means. This determination is based on the judgment of the Director of Community Standards, Assistant Vice President of Student Success, or his/her designee.
17. If at any time during the course of a hearing, any person exhibits behavior or language that is disruptive or threatening, he/she may be dismissed with the process continuing without his/her presence or input.

Hearing Procedures for COVID-19 (and COVID-19-related Policies)

All students alleged to have violated COVID-19 (or COVID-19-related) policies have the right to due process through a conduct hearing. As the larger Student Handbook states, hearings may be expedited to protect community members. Students or recognized clubs/organizations who are alleged to have been involved in a significant violation may be removed from housing/campus or suspended from the university in the interim pending a hearing, should senior leadership or designee deem it necessary. Residents may also be temporarily relocated pending a hearing.

Because of the urgency of and safety repercussions of COVID-19 and COVID-19-related violations, the conduct process will be amended as follows:

1. Within one business day of an incident report's submission, the student will receive a hearing notification letter from Community Standards.
2. The student must make all possible accommodations to make the scheduled hearing time.

3. Hearings may be heard in a virtual format.
4. If a student is found responsible, sanctions will be put into effect immediately.
5. A student may appeal the hearing's outcome within the normal five business day timeframe.
6. An appeal board will review the student's appeal statement and provide an appeal outcome notification letter within two business days.

Appeal Process

The appeal process ensures that a student has been treated fairly in the hearing process. A student who has participated in the hearing process and been found in violation of the Student Code of Conduct may file a written appeal. In cases involving sexual assault, both the complainant and respondent parties may file an appeal.

Appeals may be heard by the Director of Community Standards, the Assistant Vice President of Student Success, an authorized designee, or the appeal board. The Dean of Students (or designee) may review the outcome of an appeal and modify the decision with both the ability to increase or decrease the severity of a final outcome. An appeal must demonstrate one or more of the following bases for appeal and explain in detail the support for each basis:

- New information is now available that was not known at the time of the hearing. This information may have been sufficient to alter the original hearing officer's decision. This new evidence will be considered only if it is clear that the evidence could not have been known by the student(s) appealing at the time of the original hearing.
- A procedural error occurred and the hearing was not conducted in accordance with procedures prescribed by the hearing process. This procedural error impaired a student's right to a fair opportunity to be heard.
- The severity of the sanction is not appropriate for the violation(s) committed, and the past conduct history of the student. This is not applicable for minimum standard sanctions of the alcohol or other drug policy.

The appeal review is limited to an analysis of the written appeal document, the notes and documents of the initial hearing, and an interview with the original hearing officer or conduct board advisor. The appeal process is not a re-hearing of the case – it is an opportunity for an impartial panel to review a case and examine potential errors in the process, unduly severe sanctions, or new information.

If the appeal is based on the appropriateness of the sanction(s) issued, a complete review of the student's conduct history, including previous sanction(s), will take place. In cases where new evidence has emerged, this information will be included as part of the review process. If new information or a procedural error has been determined through the appeal process, the case may be referred to another hearing officer/conduct board to allow for a reconsideration of the original finding. The new hearing will be scheduled as soon as possible.

If there is reason to believe that the sanctioned student or other members of the University community are at risk, or a need exists to protect University property or prevent disruption of the University's educational process, the Dean of Students, Assistant Vice President of Student Success, or designee may immediately enforce any or all of the original sanctions and those sanctions shall remain in effect pending the final outcome of the appeal.

All decisions resulting from an appeal review are final. Although a verbal notification may be provided to the student, an email notification of the decision is sent within seven business days of the review.

To submit a Petition for Appeal:

- Students will receive an individual appeal link included in the outcome email they receive from the hearing officer or conduct board advisor. Global Campus (COCE) students must submit forms to coceconduct@snhu.edu.
- The Petition for Appeal must be submitted within five business days of the decision being rendered.
- If the appeal is reviewed, a decision will be made within 10 business days of receiving the petition. Outcomes could include: Upholding the decision, changing the decision, dismissal of the original decision/sanctions, or granting a new hearing. In cases of sexual assault, the University has the right and is required to notify the victim.
- If a decision is overturned, the person(s) hearing the appeal will provide a written rationale for overturning decisions to the staff member who made the original finding.