



**STUDENT HANDBOOK**

2019-2020

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## **LATEST EDITION**

The Student Handbook was last updated on August 30, 2019. This latest revision include:

- The University's full FERPA policy (Appendix A).



## INTRODUCTION

The Student Handbook applies to all registered undergraduate, graduate, full- and part-time students, as well as students enrolled in online or continuing education at Southern New Hampshire University (SNHU). Students who attend classes on SNHU's main campus are considered University College (UC) students. Students who attend classes at a Regional Center and/or take all of their courses online, and College for America program students, are considered Global Campus (GC) students.

Changes in the content of the handbook may be made at any time by the university administration. Whenever possible, adequate notice of anticipated changes will be given. The university expects students to be familiar and comply with all policies and procedures contained within the Student Handbook, as failure to read and understand this document does not excuse students from the rules, policies, and procedures contained within it.

There are three central places for students to locate the policies and expectations that will apply to them throughout their education, whether taking courses online, on-campus, or at one of the satellite locations. These resources are the:

- UC and GC Catalogs (<http://www.snhu.edu/admission/academic-catalogs>)
- Student Handbook

### Student Rights and Responsibilities

As a community of people, the university is committed to furthering scholarship, academic pursuits, and service to society. As an institution, the university's purpose is to ensure all students have an equal opportunity to fulfill their intellectual potential through the pursuit of the highest standards of academic excellence. Certain rights and obligations are inherent in membership in any academic community committed to such goals:

- The rights of personal and intellectual freedom, which are fundamental to the idea of a university,
- Strict respect for the equal rights and dignity of others,
- Dedication to the scholarly and educational purposes of the university and participation in promoting and ensuring the academic quality of the institution.

Students and recognized clubs/organizations are responsible for obtaining, learning, and observing the established university policies as listed in all official publications. In addition, students must comply with the legal and ethical standards of the institution, as well as those of the state of New Hampshire and any other laws, rules, and/or regulations of other relevant jurisdictions. All members of the community must inform the appropriate official of any violation of conduct regulations.

All students have the right to:

- Redress grievances,
- Have respect from others,
- Have a fair and equitable hearing process pursuant to university policies and the provisions of this handbook,
- Ask for advice and/or assistance,
- Challenge prejudicial treatment and comments, and
- Be themselves and to be proud of their backgrounds.

Residential students have the right to:

- Read and to study free from undue interference in their room,
- Sleep in their own room,
- Live in a clean environment,
- Have a secure place for their personal belongings,
- Use all public hall spaces and lounges,
- Be heard by the Residence Life staff when they voice concerns, needs, and programming ideas,
- Have guests in their room and visit others in accordance with the university's guest policy, and
- Have a safe living environment.

### **Right to Procedural Fairness**

Pending action on any alleged violations, the status of students and recognized clubs/organizations will not be altered, nor their rights to be present on campus and/or to attend classes suspended, except to protect the health or safety of students or staff, or to safeguard university property. Only the Dean of Students, Associate Vice President of Student Experience, or designee may make such a determination and direct provisional suspension.

### **Right to Privacy**

The policies and procedures concerning the privacy of student records maintained by the university are in large measure governed by the federal government's Family Educational Rights and Privacy Act (FERPA). The university's policies and procedures are posted by the Office of the Registrar. See Addendum A for full FERPA policy.

Except when requested by a student or required by federal or state regulations, an educational record will not include information concerning race, religion, nationality, political or social views, or memberships in organizations. Directory information (name, address, telephone numbers, major, etc.) may be released or published. State agencies and other educational agencies conducting surveys and studies for the university will ordinarily have access to a student's record without the written consent of the student concerned.

Another exception provides that parents have the right to view and to request copies of their child's educational record without their child's consent, providing that the child is dependent upon the parents for federal income tax purposes. A student may waive the right of access to recommendations for admission to the university, for employment on file with the university, and for some honor societies. The university may not require a student to waive this right nor may the student's status at the university depend upon waiving this right.

### **Campus Citizenship Responsibility**

All students have certain rights to access facilities, campus resources, and involvement opportunities. With these rights come the expectation that each student understand his/her/their role, rights, and responsibilities as a member of the greater campus community.

- Residential students are expected to familiarize themselves with the policies and regulations of the Student Handbook, to keep their living area clean, to question people who abuse their rights and/or the rights of others, to respect the rights of others, to get to know the other residents in their living area, to get to know their roommate(s), and to keep up with their studies.
- Students and recognized clubs/organizations are responsible for all violations that occur in their residence through encouragement or neglect. This includes apartments, townhouses, entrance hallways, lounges, other common areas, and/or office and programming spaces.

### **Civility Responsibility**

Each individual in the university community has the right to free speech. This right, however, does not override the responsibility of each individual to respect the personal rights of other students, faculty, staff, administrators, and visitors. All members of the university community are expected to demonstrate courtesy and politeness in their speech and behavior in public venues. Offensive language, offensive conversations, inappropriate gestures, or offensive visual representations are considered disrespectful of oneself and others and are not appropriate for public venues. Public venues include administrative and academic buildings, dining facilities, classrooms, auditoriums, walkways, hallways, athletic facilities, and online communities.

### **Non-Discrimination, Equal Access, & Equal Opportunity Statement**

Consistent with all applicable federal and state laws, rules, regulations and ordinances (e.g. Title III, Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act as amended), and in recognition of its responsibilities to its faculty, staff, and students as well as to the communities in which it operates, Southern New Hampshire University reaffirms its continuing commitment to afford qualified or qualifiable individuals equal access and equal opportunity within the university. To ensure equal access and equal opportunity, Southern New Hampshire University shall not discriminate against any individual or group because of race, color, creed, ethnicity, sex, religion, national origin, citizenship, marital or parental status, disability (including intellectual disability), age, gender, gender identity or expression, sexual orientation, pregnancy, veteran/military status, genetic information, or on any other legally prohibited basis.

### **Accessibility Services**

In accordance with Section 504 of the Rehabilitation Act of 1973, Title III of the Americans with Disabilities Act (ADA) of 1990, and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, the university does not discriminate on the basis of disability, including intellectual disability, in admission, treatment, or access to its programs or activities, nor does it discriminate in employment in its programs or activities.

It is the responsibility of all university staff, faculty, and students to adhere to the practice of equal access to opportunities affiliated with the institution.

The university prohibits unlawful discrimination on the basis of disability and takes action to prevent such discrimination by providing reasonable accommodations to eligible individuals with disabilities.

The guidelines the university uses for documenting a disability and determining necessary and appropriate accommodations may vary among the different platforms (UC, CfA Program, and GC). Accommodations may differ depending on the type of coursework and the platform upon which it is offered. For more information about documenting a disability and determining necessary and appropriate accommodations, please contact the Online Accessibility Center or Campus Accessibility Center.

SNHU has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints regarding any action prohibited by Section 504, the ADA, or the ADAAA. The ADA/504 Grievance Procedure may be found on mySNHU.

The following person has been designated to coordinate compliance with the disability regulations:

ADA/504 Compliance Coordinator  
Email: [adacompliance@snhu.edu](mailto:adacompliance@snhu.edu)  
Phone: 603.645.9664  
Fax: 603.665.7151

All students with disabilities who are involved in the student conduct process, including complainants, respondents, advisors, and witnesses may seek accommodations for any stage of the student conduct process. If a student requests reasonable accommodations to participate in the student conduct process due to his/her/their disability, the student should:

- Notify a Community Standards staff member, Dispute Resolution staff member, or designee 2 business days before his/her/their hearing, and
- Contact:
  - o (for UC) The Campus Accessibility Center at cac@snhu.edu, 603.644.3118, or
  - o (for GC) The Online Accessibility Center at oac@snhu.edu, 866.305.9430.

These notices allow the Community Standards staff member, Dispute Resolution staff member, or designee to determine if a postponement of the hearing is necessary while the accommodation is reviewed. It also allows the director of the respective Accessibility Center to request supporting documentation and student input in order to determine what accommodation, if any, is appropriate under applicable standards. The director of the appropriate accessibility center will share the decision and any recommendation for implementation of the accommodation(s) with the student and the Community Standards staff member, Dispute Resolution staff member, or designee.

## Conditions of Enrollment

Certain conditions must be met in order to be enrolled at the university and to function as a member of the community. Failure to meet and maintain these conditions may result in a hold against future registration and/or termination of a student's current enrollment. If a student's enrollment is terminated for failure to fulfill conditions of enrollment, he/she/they may not be present in the educational environment on campus or online, or use university resources without the expressed permission of the Dean of Students (for UC students) or Associate Vice President of Student Experience (for GC students). In addition, the student will not be eligible for a refund of any portion of the university expenses listed by Student Financial Services.

- **Accuracy of University Records**  
Students are expected to provide accurate and complete information on all university forms and documents, including applications for admission and financial aid, references, health and immunization reports, local and home addresses, and other types of records.
- **Completion of Registration**  
Each term students must complete their registration with the university before they are recognized as enrolled and active students.
- **Financial Obligations**  
Students are held responsible for all obligations that they have incurred with the university. Failure to comply with this policy, without prior granted permission, may result in loss of on-campus housing and/or on-campus parking, as well as a hold placed against the release of the student's grades, diploma, and/or transcript. Student may also be restricted from registering for future terms until their financial obligations have been met.
- **Immunization Requirements**  
All full-time undergraduate UC students (enrolled in 12 credit hours per term), and all international students (undergraduate and graduate) taking classes at the Manchester campus must provide complete and accurate immunization records. Students are required to provide proof of immunization against measles, mumps, and rubella (MMR) or two doses of the MMR vaccine at acceptable intervals. If a student fails to comply, he/she/they will not be allowed to attend class. The university may either prevent the student from completing his/her/their

registration or remove the student from the enrollment rosters of the school. GC programs may require immunization records to be supplied depending upon their location.

- **Campus Student Requirements**

The UC Wellness Center is licensed by the State of New Hampshire as an Educational Health Facility and therefore it is mandatory that all full-time undergraduate day students (enrolled in 12 credit hours per term), and all international students (undergraduate and graduate) taking classes at the Manchester campus, provide a recent physical within the last 12 months from admission, a health and history form including emergency contact, and accurate immunization records. Students who are identified as at risk for exposure to tuberculosis disease must complete a tuberculosis test or provide a chest x-ray report within six months prior to arrival at the university.

- **Insurance**

The university requires that each full-time undergraduate UC student (enrolled in 12 credit hours per term) possess a minimum level of health insurance during his/her/their time of enrollment. All UC domestic students are charged for the university-offered insurance plan until they provide proof of other medical insurance. The Wellness Center provides students with the information about this program. The university may terminate any student's enrollment, if that student fails to provide proof of proper insurance coverage or does not possess an appropriate insurance policy. Health insurance is also required for all international graduate students taking classes at the Manchester campus. Information for international student health insurance is available at the Wellness Center.

- **Conditions Established as Part of Conduct Sanctions**

Students must fulfill conditions established as part of conduct sanctions; those who fail to fulfill these conditions may be subjected to additional conduct action and/or termination of enrollment. Residence contracts and parking privileges may also be terminated.

- **Communications with the University**

Students are expected to check their university-assigned email accounts and use that account for all communication with the university and its faculty and staff. Additionally, students are expected to pick up their own mail at their on-campus mailboxes and check their voicemail regularly. These are the primary communication systems used during the semester when classes are in session.

- **Identification Responsibility**

Students are expected to carry identification when visiting one of the SNHU Regional Centers or main campus, and be prepared to verify their identity when requested. All students are expected to represent themselves truthfully in all interactions with the university.

## University Rights

### Inspections

University staff members may conduct a residence inspection whenever reasonable cause exists to believe that activity is taking place that is detrimental to the health, safety, or welfare of individuals, or substances or items are contained in the room that would constitute a violation of the Student Code of Conduct. Inspections will be confined to areas reasonably related to the alleged policy violation and may include, but are not limited to, all university-owned property or furnishings, any refrigerator, bags, or personally owned property including safes or other locked/secured items.

Examples of circumstances that may prompt an inspection of a room or property are when:

- The size or shape of the item might suggest alcohol, other drugs, or alcohol or drug paraphernalia are present;
- A staff member hears a noise that might suggest a violation of policy is occurring;

- A staff member has confiscated substances that would suggest the presence of additional substances in the area;
- A staff member observes behavior such as an unsteady walk, slurred speech, or abusive or violent actions;
- A staff member receives a report of any of the preceding circumstances; or
- A search is the result of an ongoing investigation.

Failing to comply with an inspection may be categorized as a significant behavioral violation.

The university reserves the right to confiscate any item when it is against policy or believed to pose a health or safety risk. Items confiscated will be disposed of and not returned to the student.

### **Searches, Arrests, and Related Processes**

The university cooperates with civil law enforcement agencies performing their official duties within the university community. The university is not a sanctuary for students who may violate the law.

- Whenever law enforcement agents, process servers, or other legally authorized individuals are required to serve official papers or enforce arrest or search warrants, the university will cooperate in order to minimize interference with campus activities and to protect all persons.
- As prescribed by law, the arresting officers may conduct limited searches of the area where an arrest is made without a specific warrant and property may be seized.

### **Use of Video Surveillance Cameras on Campus**

The Office of Public Safety is committed to enhancing the campus community's quality of life by integrating the best practices of public and private security. A critical component of this comprehensive security plan is the use of video surveillance, the primary purpose of which is to deter crime and to assist Public Safety officers in protecting the safety and property of the university community.

Video monitoring for public safety purposes will be conducted in a professional, ethical, and legal manner. On-campus video monitoring of areas is limited to locations that do not violate an individual's reasonable expectation of privacy as defined by state law. For example, camera locations are in public places such as building entryways, parking lots, and along some roadways. Personnel involved in the use of video surveillance cameras will be properly trained and supervised.

### **Use of Summary Suspensions and Interim Measures**

Students and recognized clubs/organizations who are alleged to have been involved in a significant violation of university policy may be suspended in the interim from either residence or the university pending a hearing, if the Dean of Students, Associate Vice President of Student Experience, or designee deem it necessary. The university may also impose other interim measures including but not limited to, residential suspension, relocation, or no-contact orders. Determinations will be based on the nature of the alleged violation and/or any potential on-going threat to any individual or community.

## STUDENT CODE OF CONDUCT

The university is a community of scholars in which the ideals of freedom of inquiry, freedom of thought, freedom of expression, and freedom of the individual are sustained. However, the exercise and preservation of these freedoms and rights requires respect of the rights of all in the community to enjoy them to the same extent. In a community of learning, willful disruption of the educational process, destruction of property, and interference with the orderly process of the university as defined by the university administration or with the rights of other members of the university cannot be tolerated. Students enrolling in the institution assume an obligation to conduct themselves in a manner compatible with the university's function as an educational institution. To fulfill its functions of imparting and gaining knowledge, the university retains the power to maintain order within the community and to remove those who are disruptive to the educational process. The policies listed below describe and explain prohibited conduct as well as outline behavioral expectations.

### Authority of the University

The Student Code of Conduct applies to all students and recognized clubs/organizations as they are defined in this document. The university exercises jurisdiction over student behavior that occurs on university premises, sponsored events, or off-campus locations or regions unaffiliated with the university. Additionally, all violations of the Student Code of Conduct that occur within the SNHU email system, the learning management system educational system, SNHUconnect, CFA program learning environment and community, or any other electronic means of communication prescribed by an instructor/reviewer as it pertains to classwork, research, or communication fall under the jurisdiction of the university. Behavior that conflicts with university expectations may subject students to a hearing pursuant to the Student Code of Conduct. These behaviors are actions that violate the Student Code of Conduct, local, state, or federal laws, or could adversely affect the educational mission of the university or its relationship with the surrounding community. This applies to students acting on their own volition, as well as recognized clubs/organizations.

When a student withdraws or takes a leave of absence from the university after engaging in conduct that may violate the Student Code of Conduct, and the alleged violation has not been adjudicated through the hearing process, a hold will be placed on the student's record and the student will be banned from campus and all other educational environments. The hold will prevent a student from re-enrolling at the university until the alleged violations have been resolved.

Every effort is made to ensure that the information in the Student Handbook is accurate and up to date, but it may not reflect most recent policy updates. The university reviews and updates the Student Handbook on an annual basis, publishing a new edition prior to the start of each fall semester. The university reserves the right to make necessary changes prior to the yearly revision and will notify the campus community.

### Terms and Definitions

Throughout the Student Handbook, the following terms are used. Students should familiarize themselves with their meanings.

- **Admission of Responsibility**  
A respondent's willingness to admit to a violation of the Student Code of Conduct by holding himself/herself/themselves accountable.
- **Club or Organization**  
Any group of students who have formed a recognized club or organization that has been authorized by the university.

- **Complainant**  
The individual who brings forward a complaint or files a report alleging a violation of the Student Code of Conduct.
- **Faculty Member/Reviewer**  
Any person hired by, or contracted with, the university to conduct instructional activities and/or assess student's academic work.
- **Hearing Officer**  
Any person or persons authorized by the Dean of Students, Associate Vice President of Student Experience, or designee to determine whether a student has violated the Student Code of Conduct and to impose sanctions where appropriate.
- **Respondent**  
The student alleged to have violated the Student Code of Conduct.
- **Staff**  
Any person employed by the university, with the exception of student employees.
- **Standard of Proof**  
The burden of proof is on the university to show that the student is responsible for the violation or a pattern of misconduct. The rules of evidence applicable to civil and criminal cases do not apply. The decision will be made based upon a preponderance of the information presented – whether a violation of university policy more likely than not occurred.
- **Student/Learner**  
Any person taking courses at or through the university, including full and part-time attendance, distance learners enrolled in GC pursuing undergraduate, graduate, or professional studies, and people who are not enrolled but have an academic relationship with SNHU. Persons who are not enrolled but are satisfying incompletes, persons who are taking classes but are not officially admitted to SNHU, or persons who are enrolled in continuing education courses and workshops are also considered students/learners.
- **University**  
Southern New Hampshire University and its affiliated sites and programs, which include all SNHU campuses.

## Conduct Standing and Sanctions

When students are found to have violated a policy, the university's first priority is to respond by mandating supportive and educational tasks designed to help the student make more informed choices. Second and equally important, the university makes a change to the student's conduct standing. This categorization represents the progressive conduct model, which increases punitive measures as the severity or frequency of a behavior increases. A student's conduct standing may range from warning to dismissal. Students are considered as being removed from "good standing" at the level of university probation. This section is designed to offer guidance regarding conduct standing and sanctions. However, the university reserves the right to use its discretion in all aspects of a conduct case, including changes to conduct standings and sanctions.

For more information about the GC student organization conduct process, refer to that section later in the Student Handbook.

For more information about the UC student organization conduct process, refer to that section later in the Student Handbook.

The following are examples of conduct standing statuses and sanctions that may be imposed for violation of a policy:



- **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.
- **Reprimand**  
At this increased standing, students understand a formal reprimand is in place.
- **Residence Probation**  
Students are placed on residence probation for a minimum of one semester. The hearing officer 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.
- **Residence Suspension**  
Suspension from residence 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.
- **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.
- **University Suspension**  
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.
- **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 standing.

In some cases, a standing 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.

## Educational Provisions

Many factors are considered when deciding supportive or educational sanctions to accompany a student's conduct standing: The current violation, past conduct record, previous sanctions that may exist, and the level of understanding the student demonstrates regarding his/her/their conduct. It is possible that a student may not be eligible to participate in university-sponsored activities or trips if the student is not in good conduct standing.

The list of sanctions below is meant to be illustrative, not exhaustive. The university reserves the right to create additional sanctions based on the nature of the misconduct. Sanctions may include, but are not limited to:

- **Behavioral Agreement/Contract**  
In certain circumstances, a behavioral agreement is developed by a member of the university staff outlining specific behaviors acceptable among all parties involved.
- **Educational Letter**  
This student sanction is informal in nature. While the educational letter reads much like a warning in that it identifies a particular violation of a policy, the intention is to use the violation as a learning opportunity for the student. An educational letter is part of a student's record in case a similar violation occurs in the future, though it is not reported as a violation should an outside agency inquire about a student's conduct record.
- **Community Service**  
This sanction may be imposed when the student's actions have infringed on the community in some manner necessitating the student provide positive service back to the community. The amount of service and deadline for completion will be described in the written notification to the student.
- **Educational Sanctioning**  
This non-punitive sanction is meant to encourage learning or reflection and may include research papers, essays, etc. The educational sanction must be completed within the manner and time stated as part of the sanction. Participation in certain programs may be withheld or restricted until educational sanctions are completed.
- **Alcohol Restriction**  
In cases where students are found responsible for major alcohol violations, the student's residential unit may be considered a prohibited area for alcoholic beverages. In addition, students found responsible will be sanctioned individually based on their previous violations of the university's alcohol or other drug policies.
- **Fines**  
Fines may be imposed on a case-by-case basis.
- **Loss of Privileges**  
Students may not be allowed use of facilities, services, or activities for a designated period of time. Examples include, but are not limited to, loss of guest privileges, loss of parking privileges, prohibition from certain residence halls, prohibition from university-sponsored activities, room change restrictions, etc.
- **Removal from Class**  
Students may be removed from classes if their actions are deemed detrimental to the educational environment.
- **Residence Restriction**  
Students who violate policies regarding community living may be subject to residence restrictions, including occupancy restrictions, 24-hour quiet hours, relocation to another housing option, etc.
- **Restitution**  
Students may be required to pay the full cost of damages. This could include the cost of materials and labor for repairs. In addition, restitution could include the cost of replacing damaged, destroyed, or stolen property, as well as compensating the university for any lost or stolen time.
- **Access Restriction**  
Students may be denied access to any campus building, room, activity, class or program, computer and network resources, or denied other student privileges.

## Individual Student Conduct Standards

### 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. 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 Community Standards staff, the GC Student Conduct and Academic Integrity staff, 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 GC 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 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/their absence and his/her/their 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 Community Standards staff member, GC Student Conduct and Academic Integrity staff member, the Associate Vice President of Student Experience, 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 Community Standards staff, GC Student Conduct and Academic Integrity staff, the Associate Vice President of Student Experience, 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 Community Standards staff, GC Student Conduct and Academic Integrity staff, the Associate Vice President of Student Experience, 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, Associate Vice President of Student Experience, or an authorized designee deem it 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 GC 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 hearing.
- **Attendance**  
If the student fails to attend the hearing, the review will be made in his/her/their absence and the student will also forfeit his/her/their right to appeal the findings.
- **Presentation**  
A hearing officer/conduct board will review the incident reports and the student will present his/her/their own case. If the case suggests that an initial investigation should take place due to its complexity, a university staff member will be assigned to complete the investigation.

- **Finding and Sanction**

Based upon the information presented, the hearing officer/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 hearing officer/conduct board will be subject to final review by the Community Standards staff, the Associate Vice President of Student Experience, 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, in accordance with FERPA regulations. Decisions made by the hearing officer/conduct board are final pending the appeal process.

### **Conduct Board Hearings**

The conduct board may be comprised of faculty, staff, and (in non-Title IX cases) students. When a case is referred to the conduct board, the Community Standards staff member, the Student Conduct and Academic Integrity Manager, the Associate Vice President of Student Experience, or an authorized designee may offer all involved students a preliminary meeting to prepare for the process. The administrator is available to discuss the incident reports, student's 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 Community Standards staff member, Student Conduct and Academic Integrity Manager, or designee will determine the composition of the board and serve as a non-voting advisor to the board. All conduct 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 cannot render an impartial judgment, the student may challenge the individual's participation in the hearing. The Community Standards staff member, Associate Vice President of Student Experience, 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 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 his/her/their 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/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 Community Standards staff member 24 hours before the hearing begins. Evidence must be pertinent to the charges in question and will be admitted at the discretion of the hearing officer or Community Standards staff member.
6. Written witness statements must be presented to the hearing officer or Community Standards staff member 24 hours before the hearing begins. A witness is defined as someone who observed the actual incident and may be called in to discuss his/her/their statement prior to the hearing. Character witnesses are not allowed. A pre-hearing meeting is at the discretion of the hearing officer or Community Standards staff member. Witnesses and witness statements will be admitted at the discretion of the hearing officer or Community Standards staff member. It is the responsibility of the student to notify their witnesses of the date, time, and place of the hearing. If witnesses fail to appear, the hearing may be held in their absence.
7. A student may have a faculty or staff advisor (or in Title IX cases, a person of his/her/their choice) 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/their own case. A student must notify the hearing officer or Community Standards staff member of the student's advisor 24 hours before the hearing begins.
8. The university accommodates the students and hearing officer/conduct board members' schedules. To resolve complaints in a timely way, neither advisors nor witnesses are consulted when scheduling a hearing. If unavailable during the scheduled hearing time, the student may choose another advisor and/or ask the witness to provide a written statement.
9. A student may refuse to answer a question, with the understanding that the hearing officer/conduct board must decide the matter based upon the information available at the time of the hearing.
10. The hearing officer or Community Standards staff member exercises discretion over admission of any person into the hearing.
11. In incidents involving more than one party, the hearing may be conducted as a joint hearing.
12. The hearing is conducted formally and summary notes may be kept. A hearing officer/conduct board may audio record the hearing if it is deemed appropriate.
13. If a student is found responsible, the hearing officer/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.
14. No later than five business days following the hearing, a student receives a letter electronically from the hearing officer or Community Standards staff member, informing him/her/them 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.
15. 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.
16. If the student fails to attend the hearing, the hearing occurs in his/her/their absence and the student forfeits the right to appeal the hearing officer or conduct board's findings.
17. 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, video conferencing, video and/or audio recordings, written statement, or other means. This determination is based on the judgment of the Community Standards staff, Associate Vice President of Student Experience, or designee.

18. If any person exhibits behavior or language that is disruptive or threatening at any time during the course of a hearing, he/she/they may be dismissed with the process continuing without his/her/their presence or input.

### 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 may file an appeal.

Appeals may be heard by the Community Standards staff, the Associate Vice President of Student Experience, 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 Community Standards staff member. 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, Associate Vice President of Student Experience, 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 Community Standards staff member.
- 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 must 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.

## Violations of Law

Violations of local, state, or federal law are subject to university action. A student who has pleaded guilty to or otherwise accepted responsibility for a violation (e.g. probation before judgment, *nolo contendere*, continuation without a finding, etc.) should be aware that the university may also sanction the student. Withdrawal may be mandated when the conduct suggests that the student presents a danger to the university community.

### Notification of Criminal Arrest

UC students are responsible for notifying the university of any off-campus arrest.

When the university learns of a student arrest, Community Standards staff notify the student that he/she/they must schedule an appointment for an interview with Public Safety. During this interview, the facts involved in the student's arrest, the student's obligation to keep the university informed of the progress of the criminal charge(s), and the student's obligation to advise the university of the final disposition of the criminal charge(s) are discussed with the student.

### Withdrawal When Certain Criminal Charges are Pending

The university may withdraw any student when certain charges are pending against that student, subject to the procedures set forth below. Specifically, withdrawal may be mandated where the crime involves an act of violence; the sale, manufacture or delivery of drugs; or any other conduct that is egregiously offensive to the university's mission or that presents a danger to the campus community, whether the behavior occurred on or off campus property. The university follows these procedures when initiating an immediate withdrawal over pending criminal charges:

- The student may meet with the Dean of Students, Assistant Vice President for Student Success, or designee within three business days from the imposition of the withdrawal. In this meeting, the student must demonstrate that the withdrawal is inappropriate because:
  - The student is not charged with a crime as listed above;
  - The alleged crime, even if proven, has no bearing on any legitimate university interest; or
  - The withdrawal is too severe a response from the university.
- The Dean of Students, Associate Vice President of Student Experience, or designee decides whether to continue or rescind the withdrawal and communicates this decision to the student within 24 hours of the conclusion of the meeting. The decision is final and may not be appealed.
- The withdrawal may be noted on the student's transcript, however no conduct record or sanction is created or imposed solely on the basis of the withdrawal.
- The withdrawal remains in effect until the latter of:
  - The dismissal/acquittal of all pending charge(s) against the student;
  - A full hearing by the student conduct system, if appropriate, of all alleged violation(s) of the Student Code of Conduct relating to the behavior from which the charge(s) derive. In



order to hold this hearing, the university must have access to independent information about the case (i.e., police reports, court reports, etc.). In some cases, this may require the student or his/her/their legal counsel releasing the necessary information to the university.

- The withdrawal requirement is a supplement to the interim suspension procedures provided elsewhere in the Student Handbook and in no way limits any rights of the university to impose any additional or different conduct sanction.

## Interim Conduct Action

Students and recognized clubs/organizations who are alleged to have been involved in a major violation of university policy may be suspended in the interim from either residence or the university pending a hearing if the Dean of Students, Associate Vice President of Student Experience, or designee deems it necessary. The university may also impose other interim measures including, but not limited to, prohibiting the student or student organization from being on university property, sponsoring events or programs, attending programs and activities, and using university facilities. Determinations will be based on the nature of the alleged violation or any potential ongoing threat to any individual or community.

## Parental Notification

The university may disclose aspects of a student's education record to the student's parents/guardians in particular circumstances. This notification policy is enacted with the philosophy that parents/guardians are partners in student development and can assist students in fulfilling their educational goals through the use of open dialogue. In accordance with FERPA guidelines, the university may issue notifications to parents/guardians of students in the following circumstances:

- If a dependent student is found responsible for violating a university policy that may place him/her/them in jeopardy of losing his/her/their on-campus housing or status as a student;
- If a student under the age of 21 at the time of incident is found responsible for violating the university's alcohol or other drug policies or federal, state, or local alcohol and drug laws; and/or
- If knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Students are encouraged to discuss incidents with their parents/guardians prior to university notification. Students are responsible for notifying the Dean of Students Office or Director of Advantage if they are not considered a dependent.

## Conduct Records

Conduct files are maintained online. These files are confidential records open only to authorized faculty or administrators. Students may review their own records under the supervision of an appropriate member of the staff. Students may request copies of incident reports as needed for the preparation of their case for a hearing. Notes from preliminary investigations will not be available for distribution; however, the information could be presented at the hearing.

Conduct records are kept and all applicable information is available to anyone authorized by the student. The university uses its discretion on which, if any, items to disclose to authorized persons after that time. Reviews for outside agencies (e.g., branches of the federal government) doing background investigations are done based upon written authorization of the student. Subpoenas of a student's record are honored. The student will, however, be notified before the records are submitted unless the subpoena specifically directs the university not to notify the student. Only notices of university suspension or expulsion will be included in the student's educational record.

## GENERAL BEHAVIOR POLICIES

The university has established the following categories of prohibited conduct and standards. These policies are in place to ensure the safety and well-being of our community. While the Student Code of Conduct aims to sufficiently detail inappropriate behaviors, it is not possible to account for every possible circumstance. If at any time a student has questions about past or anticipated conduct, they must seek advice from a staff or faculty member. All students are expected to conduct themselves in accordance with standards of good citizenship. Any student found to have committed or to have attempted to commit the following misconduct is subject to the hearing process and sanctions outlined elsewhere in the Student Handbook.

### Advertising Policy

University departments and offices, as well as all clubs and organizations that have attained university recognition, have the right to advertise programs, events, and fundraising programs according to Student Involvement regulations, including the requirement that each poster be stamped by Student Involvement staff. With the exception of tabling, solicitation is not allowed.

For UC-specific guidelines, contact the Office of Student Involvement.

For GC-specific guidelines, see SNHUconnect.

### Assault

Any physical contact without consent, or intentionally inflicting bodily harm upon any person, or taking reckless action that results in harm to any person.

### Assault of a University Official

Unwanted physical contact with a university employee.

### Assisting in the Violation of a University Policy

Encouraging or assisting anyone in violating any university policy (e.g., hosting someone who has been restricted from residence areas).

### Bias Incident

Negative behavior committed, in whole or in part, against a person or group based upon a real or perceived affiliation with a protected class. Protected Class is defined as persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race, color, creed, ethnicity, sex, religion, national origin, citizenship, marital or parental status, disability (including intellectual disability), age, gender, gender identity or expression, sexual orientation, pregnancy, veteran/military status, genetic information, or on any other legally prohibited basis.

Petty slights, minor annoyances, and isolated incidents (unless severe) of rude, uncivil, or non-collegial behavior generally do not rise to the level of a policy violation, though may still be addressed with a university official. Academic freedom provides significant space for individuals to express controversial views, teach controversial subjects, and engage in controversial research. The offensiveness of a particular singular expression, course content, subject of academic inquiry, or research topic, as perceived by some, may not constitute a violation of this policy.

### Bullying

Deliberately hurtful and unwelcomed behavior intended to humiliate, mentally or physically intimidate or injure, and/or isolate or control an individual or group of individuals. It can occur as a single severe and/or pervasive incident or repeatedly over a period of time, intimidating, impeding, and/or interfering with work performance, academic status, or college life.

Bullying may be in the form of:

- Verbal/written bullying: Sarcasm, teasing, name-calling, insults, taunting, or other abusive, threatening, derogatory, or offensive remarks
- Social/relational bullying: Intentionally hurting someone's reputation or relationships, including:
  - Excluding or isolating someone on purpose
  - Promoting rejection by others
  - Spreading rumors
  - Embarrassing someone in public
- Cyberbullying: Misappropriate use of any information and communications technology such as the Internet, interactive and digital technologies, cell phones, etc., including, but not limited to:
  - Texting, emailing, or phoning unpleasant, threatening, or rude messages or posting similar communication in discussions boards or the learning management system
  - 'Sexting' inappropriate pictures
  - Posting abusive or demeaning comments on social networking sites, in chat rooms, or SNHUconnect
- Physical bullying/abuse: Hurting a person's body or possessions, including, but not limited to:
  - Hitting/kicking/pinching
  - Spitting
  - Tripping/pushing
  - Taking or damaging someone's personal property

### **Damage to Property**

Damage or destruction of property owned or operated by the university, other students, faculty, administration, staff, or guests.

### **Disorderly Conduct**

Violent, abusive, indecent, profane, or inappropriate conduct or language. These behaviors are unreasonable at the time of their occurrence and interrupt teaching, research, administration, community living, hearing proceedings, and/or other activities. This includes but is not limited to disruptive behavior in the classroom, yelling, using profanity towards a university official, or other boisterous conduct.

### **Disrupting Community Relations**

Failure to abide by both university regulations as well as local, state, and federal laws. It is expected that individuals and groups take reasonable preventative measures to ensure that all university policies are followed. Disrupting community relations applies to behavior that occurs anywhere off-campus, not just places immediately adjacent to campus proper. This may be any place in the world that a behavioral incident occurs, as well as online.

### **Disruptive Parties**

Hosting a disruptive party, whether on or off campus. Examples include, but are not limited to: Gatherings that result in a noise complaint, those that are disruptive to neighbors in any way, and excessive attendance beyond what is safe and/or reasonable. All individuals must take reasonable preventative measures to ensure that all attendees behave appropriately.

### **Driving Policy**

Failing to abide by any New Hampshire driving laws and rules while driving on university properties or off campus.

**Drones**

Possessing and/or operating a drone, unmanned aircraft, or unmanned aircraft system upon or in the airspace of the university without the express written permission of the Director of Public Safety.

**Endangering Acts or Behavior**

Engaging in conduct that creates or causes a situation that may result in threat or harm to a person, including himself/herself/themselves.

**Failure to Comply**

Not abiding by the direction of university officials (resident assistants, residence directors, public safety officers, or any staff or faculty member) in the exercise of their duties, including both written and verbal instruction as well as producing university identification when asked.

This category also includes failure to fully participate in a hearing process, as obstructing the process prohibits the university from providing fairness to its community. Failing to engage in the process in any form – from complaint to conclusion – is prohibited. This includes but is not limited to:

- Refusal to appear at an investigation, meeting, or hearing and refusal to testify,
- Falsification, misrepresentation, omission, or distortion of information including identification,
- Conduct that disrupts an investigation, meeting, or hearing,
- Attempting to influence the impartiality of any member of the university community who is involved in an investigation, meeting, or hearing, and
- Failure to complete a sanction.

**Fire Safety**

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

- 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.
- Misusing, tampering, or damaging fire safety equipment is prohibited, including:
  - Removing, discharging, or damaging fire safety equipment,
  - Suspending items from a ceiling, overhead wires, pipes, and sprinkler heads, or
  - Covering smoke detectors, sprinkler heads, electrical outlets, or lights.
- 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).
  - Failure to evacuate university buildings during a fire alarm.
  - Camp stoves, candles, incense and incense burners, propane torches, and lanterns are not permitted in any residence.

**Flammable Materials and Fireworks**

Possessing 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.

**Fraud, Lying, or Misleading**

Lying or fraudulent misrepresentation with regard to any transaction with the university or an outside entity, whether oral or written. This includes filing a malicious or frivolous complaint or CARE Team/Risk Assessment Team report.

**Gambling or Betting**

Playing, or participating in, games of chance (i.e., online poker, blackjack, etc.) or participating in betting, which includes, but is not limited to, wagering on university athletic teams.

**Guest Policy**

Guests include non-students, commuter students, residents of other halls, and non-occupants of the room who reside within the same building.

Behavior of guests is the responsibility of the host student. A host can be any student an unregistered guest is accompanying or a student who formally registers a guest. Students may not create or allow a situation where his/her/their guest(s) violate university policy or guidelines. If a host is found responsible for failure to control his/her/their guests on campus, the level of sanctioning for the host may correspond to the appropriate level of the violations the guest committed. Hosts are required to register and accompany their guests around campus at all times and to monitor their behavior. Hosts are also responsible for any fines or charges incurred by his/her/their guest. If a guest is registered to stay on campus during a time when his/her/their host is in class, the guest must remain in the host's residence during class times. Each resident student has the right to his/her/their own room; however, the privilege of entertaining guests is a negotiable agreement between roommates.

Resident students are permitted to register guests to stay with them on campus. Residents are limited to registering guests for five nights within a 30-day period. However, guests may not stay longer than three consecutive nights per stay. Students are limited to no more than two guests at a time. Alumni and commuter students staying overnight must be registered as guests. Approval to stay longer than the above times must be granted in advance by the area's residence director. Students may not register guests for other students.

Guests are subject to all rules and regulations that apply to students. Disorderly or intoxicated guests will be ordered off campus and may be taken off campus by a cab (at the guest's expense) or by a sober friend. If an intoxicated guest has a vehicle on campus, he/she/they will be allowed 24 hours to return for the vehicle. If a guest was mistakenly allowed on campus (either host lost privilege or the guest is persona non grata), he/she/they can be ordered to leave upon discovery on campus. Students found in violation of the guest policy will lose the privilege of hosting guests.

**Harassment or Discrimination**

Discrimination is defined as action(s) which deny an individual the benefits of educational activities, employment or any other benefits or entitlements which would otherwise be available to them as a member of the University community on the basis of a protected characteristic or the belief that they are a member of a protected class and include unwelcomed verbal and/or physical conduct – on the basis of race, gender identity or expression, religion, ethnic origin, age, veteran or marital status, sexual orientation or disability – directed toward an individual with the purpose or effect of humiliating and/or intimidating an individual or impeding and/or interfering with work performance, academic status, or college life. The university considers acts of harassment or discrimination as very serious. Any retaliation against an individual filing a complaint or for cooperating in an investigation of such a complaint is similarly prohibited and will not be tolerated.

**Hazing**

Any action or activity that does not contribute to the positive development of a person; inflicting or intending to cause mental stress, bodily harm, or anxieties that demean, degrade, or disgrace any person. Hazing may be perceived by a reasonable person as likely to cause physical or psychological injury to a person as a condition of initiation into, admission into, continued membership in, or association with any organization or group. All forms of hazing on the part of any student/student group or team are prohibited. The express or implied consent of the victim is not a defense. Students and student groups are also prohibited from knowingly participating in and/or failing to report hazing to university authorities.

**Implied Consent**

Awareness of, or in the presence of a violation of university policy and remaining in the presence of and/or failing to take reasonable actions to stop the violation, communicates consent to the violation and makes the witness a party in the violation.

**Improper Use of Bicycles, Skates, and Skateboards**

Riding bicycles, skates, skateboards, and other recreational equipment in any university building. Students must park all bicycles at the bicycle racks. Some small, non-motorized recreational equipment may also be stored in out-of-the-way areas of residences.

**Inappropriate Use of Technology**

Using a device to make an audio or video recording of any person without his/her/their prior knowledge or consent, when such a recording is likely to cause injury or distress. Students are also responsible for any online communication or representation in social media. Pictures “tagged by others” or messages posted on one’s social media account can be used in investigations by the university, local, state, and federal authorities. The institution does not actively search these online communities for information; however, any behavior that violates the Student Code of Conduct that is brought to the attention of a university official will be investigated and will be referred through the appropriate channel.

**Indecent Exposure**

Any inappropriate public exposure, including, but not limited to, inappropriate urination or defecation.

**Misuse of Computer Software**

Unauthorized reproduction or use of computer software.

**Misuse of Electronic Equipment**

Knowingly using computers, fax machines, phones, or any other electronic equipment for harassment, criminal mischief, threat, or for any other unlawful purpose.

**Misuse of Keys**

Using or possessing a university key without proper authorization. A student may never, under any circumstance, duplicate a university key. Residents are issued one room key, and may not give that key to another person. Failure to return a key when leaving an assigned space will result in a core change and the corresponding charge will be applied to his/her/their account.

**Misuse of University Documents**

Forgery, alteration, or misuse of any university document. Unauthorized access to, disclosure of, or use of any university document, record, or identification including, but not limited to, electronic software, data and records is forbidden.

### **Misuse of University ID Cards**

Lending a university ID card to anyone or not carrying/possessing a university ID card whenever on campus and outside the residence. Students are expected to carry SNHU identification and be prepared to verify their identity when requested. All students are expected to represent themselves truthfully in all interactions with the university and must never possess another community member's SNHU identification.

### **Mutual Combat**

Fighting in which both parties have contributed to the situation by verbal and/or physical action. It differs from assault as there is no clear aggressor.

### **Network Acceptable Use Policy**

Failing to follow acceptable standards of ethics and conduct in the use of computing resources, including university equipment, software, and computer accounts. SNHUnet includes all computer and communication hardware, software, and accounts owned by the university. A complete description of the policy can be found in the appendices.

The university requires all students to follow all applicable laws governing copyright, licensing, and intellectual property. This applies to printed, physical, and digital property. Students are expressly prohibited from using the university's networks or computing resources to access peer-to-peer sites that permit unauthorized copying of copyrighted music, photographs, video, or other legally protected materials. Such activities will be treated as violations of the Network Acceptable Use Policy and the Student Code of Conduct, and violations may also be subject to civil and criminal liabilities.

### **Pattern of Misconduct**

Involvement in multiple violations of community standards indicates an inability or unwillingness to adapt to the university's expectations.

### **Possession of Firearms, Explosives, and Other Weapons**

Possessing, displaying, using or distributing a firearm or any other weapon or explosive on property owned by or under control of the university. A weapon is defined as an instrument of offensive or defensive combat or something to fight with, and is generally any device capable or thought to be capable of projecting a ball, pellet, arrow, bullet, missile, shell, or other material. This includes but is not limited to, firearms, bb guns, ammunition, bows, arrows, swords, rockets, sling shots, air guns, paintball guns, personal knives (2 inch blade or greater), electroshock weapons (i.e., Tasers), guns that shoot foam arrows/pellets (i.e., Nerf guns), and martial arts devices. When found, these items are confiscated and not returned. Other items may also be considered a weapon, based on the intent of use.

### **Retaliation**

Retaliation, including intimidation, threats, coercion or discrimination against any individual who has made a good faith complaint, or who has participated in the hearing process is a violation of university policy. Any community member engaging in retaliation is subject to conduct action, up to and including dismissal or termination from the university.

### **Sale of Textbooks**

Selling a textbook that belongs to someone else without that person's prior written authorization. Books that students find must be turned in to the Office of Public Safety.

### **Smoking Policy**

Smoking in classrooms, residence halls, work areas, and public areas as defined below. Smoking includes all nicotine- and/or tobacco-derived or containing products, or non-tobacco or non-nicotine-

derived or -containing products, including, but not limited to, cigarettes (clove, bidis, kreteks), electronic cigarettes, vaporizers, cigars, cigarillos, and hookah-smoked products. In addition, smoking is prohibited within 25 feet from any university building entrance and on all athletic-related venues. Work areas are defined as any enclosed location, permanent or temporary, where faculty, staff, and students perform work-related duties in the course of their employment. Public areas are defined as conference rooms, dining hall, hallways, administrative and academic buildings, and bathrooms.

### **Theft or Misappropriation**

Attempted or actual theft, possession, seizing, or concealing of unowned property. This includes receiving property with knowledge that it has been stolen. Sale, possession, or misappropriation of any property, including university property, without the owner's permission is forbidden. This policy also applies to stealing time in campus employment. Any objects that students find must be turned into the Office of Public Safety.

### **Threat**

Any intentional and unprivileged act that places the victim in fear of harm that would have been painful, injurious, insulting, or offensive.

### **Unauthorized Access or Forced Entry**

Unauthorized access or entry to, into, or onto any university premises, building, room, structure, or facility, or property owned or operated by the university or of private individuals is prohibited. To enter the residence room of another student, one must be granted access or invited by a resident of the room.

### **Unauthorized Use of SNHU Name and Logo**

Unauthorized use of the Southern New Hampshire University name, seal, mascot, or logo on any article of clothing, poster, or book in any manner of imprint. The university's name, seal, and logo can imply university approval of the sale, use, or message of the group or item on which its name or logo appear. It is important to the university that its name and reputation be kept in the highest regard by members of its community and the greater outside community. Therefore it is necessary for the university to regulate the use of its name, seal, mascot, and logo. As the name, seal, and logo are exclusive property of the university, any organization or member of the community that wishes to use them must seek prior written permission of the Vice President of Marketing and Student Recruitment.

### **Unlawful Demonstrations**

Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the university and/or infringes on the rights of others. Leading or inciting others to disrupt scheduled and/or normal activities is also forbidden. All community members must conduct dialogues with dignity and courtesy. Specifically, demonstrations and expressions of dissent on campus property will not:

- Deny or infringe upon the rights of, or result in harassment of, other students, faculty, or guests of the university community,
- Disrupt or interfere (by volume, number of participants, banners, or distributed information) with educational or university mission and goals,
- Obstruct or restrict pedestrian movement, use of offices, any facilities, or vehicular traffic,
- Endanger the safety of any person,
- Result in the defacement or destruction of property owned or leased by the university.

### **Use of Personal Computer Software Policy**

Reproducing software that the student or university does not own and is not authorized to reproduce. The university licenses the use of computer software from a variety of outside companies; it



does not own such software or its related documentation and, unless authorized by the software developer, is not authorized to copy it. Students learning of any misuse of software or related documentation within the university must notify the Department of Computing Resources.

## ALCOHOL AND OTHER DRUG POLICIES

The university does not condone illegal and/or irresponsible use of alcohol and other drugs. Students violating university policy, including those listed below and elsewhere in the Student Handbook, may be subject to a hearing. Any student found to have committed or to have attempted to commit the following misconduct is subject to the hearing process and sanctions outlined elsewhere in the Student Handbook.

### **Display Items**

Decorative/display items such as bottles are permitted in residence, however they must be altered so they do not and cannot hold alcohol. Whether an item is decorative is at the discretion of university officials.

### **Drinking Games or Acts**

Participation in games or activities intended to increase the rate of consumption of alcoholic beverages. Drinking games (including those played with non-alcoholic beverages) or other activities involving rapid and/or excessive alcohol consumption are not allowed.

### **Excessive Amounts of Alcohol or Common Source**

Excessive amounts of alcohol are defined as supplies of alcohol that are too much for the number of students of legal drinking age present (not to exceed the occupancy allowed or amounts which are distributed indiscriminately). The determination of what is excessive will be made during the hearing process. Examples of typical common sources of alcohol are kegs, beer balls, and "punch." Common source containers, whether full or empty, are not permitted in university residence areas. For this reason, beer and wine making or products for this purpose are also prohibited.

### **Hosting that Leads to an Alcohol or Other Drug Violation**

Hosting that leads to an alcohol or other drug violation in any residential area includes hosting that leads to minors possessing or consuming alcohol, excessive amounts of alcohol, drinking games, students present who are intoxicated, etc.

### **Intoxication/High Risk Consumption**

Drinking alcohol in a high risk manner or to the point of intoxication or knowingly serving another person to the point of intoxication, regardless of age. Behavioral symptoms frequently associated with excessive consumption or intoxication may include:

- Impaired motor skills,
- Difficulty communicating,
- Vomiting,
- Glazed/red eyes,
- Smell of alcohol on one's breath,
- Verbal and/or physical aggressiveness,
- Destructive and/or disruptive behavior, and
- Engaging in any behavior that may endanger oneself or others.

The determination of high risk drinking or an intoxicated state may be based upon physical observation and need not rely on any mechanical, electrical, or chemical sobriety instrument.

### **Manufacture or Distribution of Controlled Substance**

The manufacture or distribution of illegal drugs or controlled substances.

### **Possession of Alcohol in a Prohibited Area**

Alcohol and alcoholic beverage containers, whether full or empty, in:

- Residences where all of the assigned residents are under the legal drinking age,
- Residence hall common areas (including hallways, stairwells, lounges, bathrooms, building entries, and lobbies) regardless of the person's age.

### **Possession of a Controlled Substance**

Possessing illegal drugs or controlled substances, including the possession of prescription drugs for other than their intended medical purposes or their possession by a person to whom the medication was not prescribed. As the university follows federal drug laws, New Hampshire or neighboring state's drug laws do not impact campus policy or enforcement.

### **Possession of Alcohol in an Open Container**

Open containers of alcohol while in a public place or in the compartment of any motor vehicle. A public place is an area to which the general public can gain access, including stairwells, townhouse patios, any public building, and anywhere outside. In addition, a beverage found out of the original container (e.g. in a cup or water bottle) that looks and/or smells like alcohol is assumed to be an alcoholic beverage. The determination that alcohol is present will be made by the individual reporting the incident. The factory seal of the beverage's original container must be intact to qualify as a closed container.

### **Possession of Alcohol Paraphernalia**

Possession of paraphernalia, including funnels and gaming tables, that supports drinking games or activities intended to increase the rate of consumption of alcoholic beverages; such items will be confiscated by university officials.

### **Possession of Drug Paraphernalia**

The possession of drug paraphernalia, including bongos, hookah pipes, bowls, scales, grinders, pipes, dugouts, roach clips, or any other items typically associated with the use of controlled substances. Evidence of drug use involving the paraphernalia is not necessary to be charged with possession of the item.

### **Serving Underage Person(s)**

Residents of legal drinking age who provide alcohol to minors are considered to be serving underage person(s). Residents of legal drinking age may possess or consume alcohol in their personal residence, as may their legal drinking age guests. The legal drinking age host must be present when any legal drinking age guest possesses or consumes alcohol. Each person of legal drinking age is limited to one open standard drink (a 12 oz. beer, a 4 oz. glass of wine, 1½ oz. of 80-proof alcohol or 1 oz. of 100-proof alcohol).

### **Transporting Alcohol**

People of legal drinking age transporting unopened alcohol between residences cannot exceed 12 standard drinks. A standard drink is defined as a 12 oz. beer, a 4 oz. glass of wine, 1½ oz. of 80-proof alcohol or 1 oz. of 100-proof alcohol. Students may not transport alcohol in any type of cooler.

### **Underage Possession and/or Underage Consumption**

The acquisition or attempted acquisition, possession (including internal possession), transportation, or consumption of alcohol by anyone under 21 years of age.

### **Under the Influence of a Controlled Substance/Illegal Drug**

Being under the influence of an illegal or controlled substance at any time. Indications that an individual is under the influence of an illegal or controlled substance may include, but is not limited to:

- Bloodshot eyes,
- Strong odor on one's clothing or breath,
- Excessive mood swings,
- Excited behavior,
- Irrational or erratic behavior that lacks a logical explanation.

The determination that an individual is under the influence of a controlled substance or illegal drug may be made based upon physical observation and evaluation of behavior by a university authority.

### **Use of Controlled Substance or Evidence Supporting Use**

The use or evidence of the use of illegal drugs or controlled substances. The use of prescription drugs for other than their intended medical purposes or their possession by a person to whom the medication was not prescribed is not permitted. The university official reporting the incident may determine the presence of evidence that would support conducting a search. Evidence of marijuana use may include, but is not limited to, paraphernalia, smell, smoke, seeds, or residue.

### **Conduct Response to Alcohol and Other Drug Violations**

For GC students: The Student Conduct and Academic Integrity Manager, in conjunction with the Associate Vice President of Student Experience, determines the appropriate response for all alcohol- and drug-related violations.

For UC students: Due to the importance of addressing drug and alcohol use, the university developed a specific set of responses for these types of violations. A student found responsible for violating an alcohol or other drug policy will be held accountable for his/her/their own actions and for allowing or encouraging violations by his/her/their guests. The university provides a two-part response for students in violation of the alcohol or other drug policy: A change in conduct standing and an educational response.

The alcohol or other drug policy chart outlines recommended sanctions, however specific circumstances may require alternate or more severe responses. Both the hearing officer and the Wellness Center reserve the right to create and/or tailor an appropriate response that accounts for prior conduct history and evaluations completed by the Wellness Center.

### **Educational Responses**

Once an alcohol or other drug violation has been adjudicated in the hearing process, portions of the educational response encourage students to reflect and examine their decision-making in order to make more informed future choices. Some of the education include:

- **Alcohol Education**  
An alcohol abuse prevention program with information about alcohol and related risks, embedded within a broader frame of lifestyle behaviors.
- **Marijuana Education**  
A class that focuses on the effects that marijuana has on the brain and other organs and focuses on the social effects marijuana has on a person.
- **BASICS (Brief Alcohol Screening and Intervention for College Students)**  
A harm-reduction preventative intervention designed for college students who drink in high risk ways and have experienced negative consequences from their use of alcohol. The program

uses motivational interviewing and is conducted in two to three individual sessions. It is an intervention strategy that helps a student look at their high risk behaviors and work toward lowering their risk level focuses on the social effects marijuana has on a person.

- **CASICS (Cannabis Screening and Intervention for College Students)**  
A harm-reduction preventative intervention designed for college students, aimed to reduce risky behaviors and harmful consequences of marijuana abuse. The program uses motivational interviewing and is conducted in two to three individual sessions. It is an intervention strategy that helps a student look at their high risk behaviors and work toward lowering their risk level.
- **Alcohol or Other Drug Assessment (Internal or External to University)**  
Recommended as needed.

There is no charge for a BASICS, CASICS, or assessment meeting if attended as scheduled or if the appointment is rescheduled with 24 hours' notice. Failure to attend scheduled BASICS and CASICS appointments or other alcohol or other drug appointment will result in a \$50 charge to a student's account and a rescheduled appointment. Students are expected to pay any costs associated with an off-campus assessment. In some instances, these fees may be discounted or covered by a student's medical insurance.

#### Minimum Recommended Sanctions for Alcohol and Other Drug Violations

	CONDUCT STANDING	EDUCATIONAL RESPONSE	EDUCATIONAL REFLECTION
FIRST VIOLATION	<ul style="list-style-type: none"> <li>• Warning</li> <li>• Reprimand</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• Alcohol Education / Marijuana Education</li> </ul>	<ul style="list-style-type: none"> <li>• Follow-up Meeting with Hearing Officer</li> </ul>
SECOND VIOLATION	<ul style="list-style-type: none"> <li>• Residence Probation</li> <li>• University Probation</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• BASICS (alcohol) / CASICS (marijuana)</li> </ul>	<ul style="list-style-type: none"> <li>• Follow-up Meeting with Hearing Officer</li> </ul>
THIRD VIOLATION	<ul style="list-style-type: none"> <li>• Extended Probation</li> <li>• Suspension in Abeyance</li> <li>• Suspension Alternative</li> <li>• Residence Suspension</li> <li>• University Suspension</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• Prime for Life / Alcohol or Other Drug Assessment (by Wellness Center)</li> </ul>	<ul style="list-style-type: none"> <li>• Follow-up Meeting with Hearing Officer</li> </ul>
FOURTH VIOLATION	<ul style="list-style-type: none"> <li>• Residence Suspension</li> <li>• University Suspension</li> <li>• Parental Notification</li> </ul>	<ul style="list-style-type: none"> <li>• Alcohol or Other Drug Assessment (by external clinician)</li> </ul>	

- Sanctions may vary based on conduct history, severity of incident, and length of time between violations.
- The following chart is provided as general guidance only. Each case will be evaluated on its individualized facts and circumstances. The university reserves the right to depart from or decline to follow this matrix at any time when determining conduct standing and educational responses.

## Responsible Penmen Policy

Southern New Hampshire University's primary concern is the health and safety of its students.

The university is aware that students may not seek medical attention for themselves in alcohol- and drug-related emergencies, fearing conduct standing changes (e.g., warning, probation, suspension, dismissal). Likewise, students and student organizations may not seek medical attention for others in

such emergencies, worrying about disciplinary consequences for themselves, the person in need of medical attention, or the organization hosting the event where the problem occurs.

By implementing the Responsible Penmen Policy, the university encourages students and student organizations to seek medical attention for themselves or others who experience an alcohol- or drug-related emergency. The Responsible Penmen Policy allows the university to waive a conduct standing change, when that student or student organization reports an alcohol- or drug-related emergency with the intention of getting medical or safety assistance for anyone in need of care.

Students who find themselves in a situation where another person requires emergency care should immediately seek assistance from a university staff member (reporting details needed by emergency response personnel), contact the Department of Public Safety at 603-645-9700 when on-campus, and/or call 911 when off-campus.

### **Scope of Protection**

While a student or student organization who acts as a Responsible Penmen will NOT see his/her/their conduct standing changed, the student or student organization will still attend a hearing to discuss the incident. The student or student organization may be mandated to participate in appropriate educational programs, as well as be referred to a substance abuse specialist for assessment, counseling, and/or possible referral for treatment.

The Responsible Penmen Policy applies *only* to those students and student organizations who *proactively* seek medical assistance in connection with an alcohol- or drug-related emergency; this policy does not apply to individuals experiencing an alcohol or drug-related medical emergency who are found by university employees.

Because the university takes sexual misconduct very seriously, the Responsible Penmen Policy especially applies to sexual misconduct survivors who have also engaged in alcohol or drug use. The university encourages all survivors to report sexual misconduct without fear of punitive action from the student conduct process.

The Responsible Penmen Policy does not shield a student's role as a respondent in alleged sexual misconduct violations, verbal or physical abuse or harassment, hazing, distribution of controlled substances, property damage, or actions that result in the student's arrest. Students who commit other university or criminal violations (i.e. vandalism, disorderly conduct, possession of false identification, sale to minors, etc.) associated with the incident may face a change to their conduct standing for those violations.

If the student or student organization fails to attend the hearing or educational meetings, or does not complete the required sanctions, the student or student organization will see their conduct standing changed as a result of the alcohol- or drug-related violation; additionally, the student or student organization may be charged with the Failure to Comply violation and face an additional conduct hearing.

### **Other Requirements / Conditions**

Abuse of the Responsible Penmen Policy (as defined by the Executive Director of Community Standards or designee) may force the university to limit its repeated use and assign a change to a student or student organization's conduct standing as a result.

Students or student organizations hosting or sponsoring an event or students attending a university-sponsored event have a duty to maintain a safe environment for their members and guests. Please refer to the guidelines outlined in the Alcohol Use Policy in the Student Handbook.

Regardless of the applicability of the Responsible Penmen Policy, university staff will follow their alcohol- or drug-related emergency response procedures, including notifying a student's emergency contact to protect the health and safety of the student.

**Important Policy Limitations**

Though the Responsible Penmen Policy may apply within the university, it does not prevent action by local and state authorities when the situation warrants outside involvement. The university does not have the authority to dispose of and/or grant legal immunity for controlled substances and will contact local police whenever necessary.

## SEXUAL MISCONDUCT POLICIES

The university does not condone and will not tolerate sexual misconduct, 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.

In an effort to promote a safe and secure campus environment and prevent acts of sexual misconduct from occurring, the university engages in ongoing prevention and awareness education programs. All incoming students and employees are required to participate in these programs, and all 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.

For the full Sexual Misconduct Policy, please see Appendix B.

### Acquaintance Rape

Forced, manipulated or coerced sexual contact committed by someone who knows the victim.

### Dating Violence

"Dating Violence" includes violence committed by a person:

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

### Discrimination

Treating an individual differently in the terms or conditions of his or her employment or education on the basis of his or her race, color, religion, sex, ethnicity, national origin or ancestry, age, physical or mental disability, sexual orientation, gender identity, gender expression, genetic information, veteran or military status, and all other categories protected by applicable state and federal laws.

### 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.

**Hostile Environment**

A hostile environment can be created by anyone involved in a University’s program or activity (e.g., administrators, faculty members, students, and campus visitors).

In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the student who was harassed. But the University will also need to find that a reasonable person in the student’s position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To make the ultimate determination of whether a hostile environment exists for a student or students, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more student’s education.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

*First Amendment Considerations* This policy does not impair the exercise of rights protected under the First Amendment. Nor does it create First Amendment rights that do not currently exist within a private post-secondary institution. The University’s sexual misconduct policy prohibits only sex-based harassment that creates a hostile environment. In this and other ways, the University applies and enforces this policy in a manner that respects the First Amendment rights of students, faculty, and others.

**Sex-Based Harassment**

“Sex-based harassment” includes sexual harassment and gender-based harassment.

**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 Battery**

Sexual contact that occurs without consent.

### **Sexual Exploitation**

"Sexual exploitation" occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing 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 objects to such disclosure; and,
- 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.

### **Sexual Harassment**

As defined in the 1980 Equal Employment Opportunity Commission's Guidelines On Sexual Harassment, sexual harassment encompasses "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:

- 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
- 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
- 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
- Submission to or rejection of such conduct is the basis for academic or employment decisions affecting an individual; or
- 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.

### **Sexual Misconduct**

Any sex discrimination that can include discrimination, sex-based harassment, sexual battery, gender-based harassment, sexual harassment, sexual violence or assault, rape, sexual coercion or

exploitation, sexual threats or intimidation, domestic violence, dating violence, stalking, and cyber-stalking.

### **Stalking**

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

- 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
- 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
- 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:

- Threatening the safety of the targeted person or an immediate family member.
- Following, approaching, or confronting that person, or a member of that person's immediate family.
- 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.
- Causing damage to the person's residence or property or that of a member of the person's immediate family.
- Placing an object on the person's property, either directly or through a third person, or that of an immediate family member.
- Causing injury to that person's pet, or to a pet belonging to a member of that person's immediate family.
- 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.

## GLOBAL CAMPUS POLICIES

### GC Online Course Etiquette and Communication

The university seeks to foster a supportive and positive learning environment for students; students are encouraged to practice proper netiquette – active, but respectful discourse – in all courses and course formats, fostering a non-threatening, supportive learning environment so that each student can attain his/her/their educational goals.

All students are expected to adhere to strict course etiquette policies when working in the online environment. Due to the open nature of the discussion forums, students are expected to post professional, relevant responses that are suitable to an academic environment. Since any number of sensitive topics may be discussed, students must maintain an open mind while reading their peers' postings. Students are required to be mindful of and respectful toward the person receiving any communication. Any comments deemed disruptive to the learning environment may be permanently deleted and may result in disciplinary action.

### Classroom Attendance Responsibility

#### Online Students

Online students are required to submit a graded assignment/discussion to the learning management system during the first week of class. If a student does not submit a posting to the graded assignment/discussion during the first week of class, the student is automatically withdrawn from the course for non-participation. A student who makes a post, even if it is just one post to the graded discussion board, and then subsequently stops participating after week one, remains enrolled in the course. It is up to the student to complete the proper withdrawal procedures if he/she/they wishes to withdraw. Automatic administrative withdrawals for non-participation only take place during the first week.

#### Regional Center Students

Students enrolled in hybrid courses at a Regional Center are required to attend the first class meeting. Students who do not attend the first class meeting may be administratively withdrawn from the course. If a student does not submit a posting to the graded assignment/discussion during the first week of class, the student is automatically withdrawn from the course for non-participation. Once a student has been administratively withdrawn for non-participation, he/she/they may not be re-instated in the course. For more information regarding course withdrawal, see the Withdrawal Policy.

### GC Conduct Suspension: Applying for Re-admission

Students who have been suspended for conduct or academic honesty violations may apply for re-admission after the period of suspension has passed. Students must seek permission to apply by submitting an essay to the Student Conduct and Academic Integrity Manager. In the essay, the student must (1) describe the violation, (2) explain what he/she/they learned from the experience, and (3) discuss how he/she/they will avoid repeating the inappropriate behavior in the future.

Within seven business days of receipt of the essay, the Student Conduct and Academic Integrity Manager will convene the Disciplinary Committee, with as many of the original committee members as possible. If an original member is unavailable, another appropriate member will be selected to serve. The committee will determine by majority vote whether to approve the student's request to apply for re-admission. If approval to apply is granted, the student must apply for re-admissions through the normal admissions process and meet all admissions requirements. If the student has been previously enrolled in the last 12 months, he/she/they may submit the re-admit form to be reinstated.

The decision of the committee is final, and once a student has been denied permission to apply for re-admissions, he/she/they may not seek permission to re-apply.

## **Risk Assessment Team**

The Risk Assessment Team is a group of GC staff members whose purpose is to establish protocol for GC on how to recognize, report, and respond to situations where students are displaying seriously disruptive, concerning, or threatening behaviors that may indicate danger to self or others.

The members of the Risk Assessment Team document, review, and assess the level of risk associated with active and non-active threats. When appropriate, members of the Risk Assessment Team will make decisions on actions to be taken, and will work to foster connections across the university to identify any patterns or escalating behaviors that can be a risk to the campus community.

Auxiliary members are engaged with the work of the Risk Assessment Team on a case-by-case basis.

## **Student Organization Conduct Standards**

Students remain subject to the provisions of the Student Code of Conduct and university policies, procedures, and rules at all times, including while engaged in activities of university-recognized student clubs and organization.

In addition, student organizations are held to the same high standards of conduct. Students participating in organized groups should be aware that actions of the group reflect both the university and the group itself. This includes leaders and members, individuals who are authorized or permitted to represent themselves as connected to the group, and guests of the group. As a result, a group may be held responsible for any collective misconduct or the misconduct of any one or more of its leaders, members, group representatives, and/or group guests.

## GLOBAL CAMPUS ACADEMIC HONESTY POLICIES

The following section is a reprint of GC's Academic Honesty Policy, also available in the Student Catalog. In the event of any discrepancies, the policy printed in the Student Catalog takes precedent. This policy also applies to the CfA program and that any references to "faculty" also refer to CfA reviewers.

### Standards of Academic Honesty

As an academic community committed to fostering an ethical and intellectual environment, Southern New Hampshire University holds its students to these standards of academic honesty: The university expects that all aspects of a student's educational pursuit are conducted with the highest degree of honesty, accountability for one's own work, and respect for the intellectual property of others. Violations of these academic standards, such as plagiarism and cheating, constitute serious offenses and will result in sanctions. This policy defines the standards of honesty that students and members of the academic community are expected to follow. In addition, it describes procedures for handling allegations of misconduct and the sanctions that may result from violations.

The violation of the university's standards of academic honesty constitutes a serious offense. Violations include, but are not limited to, the major categories of academic dishonesty, as defined below:

#### Alteration or Fabrication of Data

Alteration or fabrication of data refers to the submission of data not obtained by the student during the course of research or the deceitful alteration of data obtained by the student during the course of research.

#### Cheating

Cheating is the act of deceiving, which includes such acts as receiving or communicating information from another during an examination; looking at another's examination (during the exam); using notes during examinations when prohibited; using electronic equipment to receive or communicate information during examinations; using any unauthorized electronic equipment during examinations; obtaining information about the questions or answers for an examination prior to the administering of the examination; or whatever else is deemed contrary to the rules of fairness, including special rules designated by the professor in the course.

#### Dishonesty in Papers

Dishonesty in papers entails using a writing service or having someone else write a paper for you. All work submitted for a course must be the student's own original work unless the sources are cited.

#### Misrepresentation

Misrepresentation is having another student or individual substitute for oneself during the taking of a quiz or examination or for the completion of a course.

#### Other Academic Misconduct

Other academic misconduct includes, but is not limited to, stealing quizzes or examinations; altering academic records, including grades; sabotaging the work of another student; distributing materials for the purpose of cheating; altering, forging, or misusing university-related documents; intentionally reporting a false violation of academic integrity; and offering a bribe to any university member in exchange for special consideration or favors.

## **Plagiarism**

Plagiarism is the representation of someone else's ideas or words as one's own without crediting the source. It is the use, whether by paraphrase or direct quotation, of the published or unpublished work of another without full and clear acknowledgment through proper citation format. The submission of an assignment or parts of an assignment written by someone other than the student, including but not limited to, other students, commercial organizations, and electronic sources constitutes plagiarism.

### **Self-Plagiarism (Work Done for One Course and Submitted to Another)**

Work done for one course and submitted to another refers to work previously submitted at this or any other institution to fulfill academic requirements in another class, to include repeated classes. Slightly altered work that has been resubmitted is also considered to be fraudulent. In some instances instructors may allow a certain amount of work from a prior course to be repurposed; students who wish to do this must seek express approval from the instructor in advance. Under no circumstances will a complaint be considered if resubmitted work earns a different grade from the original submission.

### **Unauthorized Collaboration**

Unauthorized collaboration is the sharing of quiz or examination questions or answers with another student without the instructor's permission. Unauthorized collaboration includes copying another student's homework without the instructor's permission or allowing another student to copy one's work. It also includes group collaboration on individual assignments without the instructor's permission.

## **Academic Honesty Policy Awareness**

All members of the GC community have a responsibility to acquaint themselves with the academic honesty policy. Faculty and appropriate staff are asked to join in educating students about academic honesty; and students are expected to acquaint themselves with the policy.

### **Faculty**

Instructors should familiarize themselves with GC's policy on academic honesty and also make the policy clear in their syllabi. Faculty should discuss their own expectations regarding academic honesty on discussion boards or in announcements, as it applies to specific features of a course. Instructors are encouraged to incorporate these into their course assignments and/or course conditions that minimize the chance for violation of the policy.

### **Students**

Students are expected to acquaint themselves with GC's academic honesty policy, especially the definitions of violations of academic honesty (above), as well as the ramifications resulting from violations of academic honesty. Students should familiarize themselves with the syllabi of individual courses, which contain more specific guidelines for collaboration, acknowledgement of source information, required methods of citation, and appropriateness of assistance. Students must seek clarification from instructors on any aspect of a course or the academic honesty policy about which they have questions or confusion. Finally, students should remind fellow students about the requirements for academic honesty.

## **Academic Honesty and Process for Violation**

The process for violations applies to students enrolled in GC. The policy covers all academic conduct, including submitted drafts; final coursework; research; comprehensive examinations; and the preparation of theses or dissertations. Responses to violations of the academic honesty policy are initiated by the course instructor or any individual or committee with responsibility for a class, project or activity. Other university employees, should they suspect a violation of the policy, are expected to bring the suspected dishonesty to the attention of the responsible instructor, individual, or committee.

### **Process for Violation of Policy**

When the instructor becomes aware of a possible violation of academic honesty, and before imposing a penalty, the instructor should notify the student as soon as possible, via an email to the student's university email address, of the suspicion of dishonesty and allow the student an opportunity to discuss the situation with him/her/them.

If unsure of the academic honesty policy or in need of help and guidance, the instructor is encouraged to consult with the Student Conduct and Academic Integrity Manager at [coceconduct@snhu.edu](mailto:coceconduct@snhu.edu) and the student with his/her/their advisor.

### **Filing an Academic Dishonesty Complaint Form**

If the instructor determines that the violation was an unintended mistake rather than a purposeful act of dishonesty, the instructor may use the occasion to help educate the student about standards of academic honesty. For example, the instructor might require the student to correct the original assignment or submit a substitute assignment.

If the instructor decides to penalize the student by assigning a lower or failing grade, the instructor must complete and submit the GC Student Conduct/Academic Honesty Concern Form. Submitting this form serves to notify the Student Conduct and Academic Integrity Manager of the charge of violation of academic honesty and provides the university a means for checking for repeat offenses.

The Academic Honesty Policy process follows the same protocol and sanctions as outlined in the Student Code of Conduct.



## UNIVERSITY COLLEGE POLICIES

### UC Students Withdrawing

#### Mandated Medical Leave

When students exhibit conduct in private or public that render them unable to effectively function in the residential or college community without harming others or disrupting the college community, they may be required to leave the university. This includes when students receive an individualized assessment and the university cannot provide a reasonable accommodation that would allow the student to continue to participate in the educational programs/activities while seeking treatment or recovering or refuse to accept recommended psychological and/or medical treatment.

Therefore, a mandated medical leave may be required when a student:

- Has or is suspected of having a reportable communicable disease,
- Is deemed a risk to the community,
- Refuses to accept recommended psychological and/or medical treatment recommended by qualified healthcare professionals,
- Needs cannot be met by the available facilities, and/or
- Exhibits any behavior or condition that raises concerns about the ability of the student to satisfy and comply with academic requirements, the Student Code of Conduct and university policies, rules and regulations with or without a reasonable accommodation.

Students are expected to manage themselves in a way that does not create disruption to themselves or the community. Therefore, students who present as a health and safety risk will be required to complete an individualized safety assessment as a means to determine their ability or appropriateness to continue in campus environments, including residential and academic settings. The university may also request students release the medical diagnosis and records of the attending medical professional to a designated university official. If a student refuses to be evaluated by the university's identified medical professional and/or release the diagnosis or records of his/her/their treatment provider, university administrators will make a decision based upon the information available at the time. If university administrators determine that a mandated medical leave is necessary, the Dean of Students or a designee may inform the student's parent, spouse, or other close relative.

In certain emergency cases, university administrators may make a decision about the mandated medical leave on a temporary basis without reviewing medical records or opinions. Whenever reasonably possible, a meeting between the student and a designated staff member will take place prior to deciding on a mandated medical leave. Failure to appear for a mandated assessment will result in a mandated medical leave without further process. Students may voluntarily take leave for medical reasons using the Administrative Leave of Absence Policy.

Mandated medical leaves become effective immediately and the student will be required to leave campus immediately. A mandated medical leave will last at least one semester. It is the student's responsibility to seek readmission and meet with appropriate school officials before a planned return. There are no mid-semester returns and re-admission is not guaranteed.

A student may appeal a mandated medical leave by providing a written statement along with an individualized safety assessment and a release to speak with relevant health care providers to the Dean of Students.

#### Returning From a Medical Leave

In order to return to the university from a medical leave, a student is required to meet with the Director of the Wellness Center for an assessment, which may be shared with the Dean of Students Office. The

assessment will determine if the student is ready to return, which may require the student to provide additional supporting documentation from his/her/their provider. The student may also be required to provide relevant medical documentation and/or permit his/her/their treating health care provider to consult with members of the Dean of Students Office and/or the Wellness Center regarding the student's condition, prognosis, ability to live independently, and complete his/her/their academic coursework with or without a reasonable accommodation. The student is required to start the return from a medical leave process 30 days prior to the start date of the next semester of their planned return as there are no mid-semester returns.

Through an individualized assessment, the university will determine each student's appropriateness to return, including whether the student will be allowed to live in residence. As part of that review, the university will also evaluate and structure any needed follow up care in order to ensure the safety and well-being of the campus community. Upon a satisfactory review, the university may require an ongoing relationship with appropriate university services in order to evaluate the student's safety and treatment progress.

### **Medical Leave of Absence Protocol**

- The only distinction between a leave of absence and withdrawal is that returning from a leave doesn't require a student to return through the Office of Transfer Admissions.
- This process only applies to domestic day students. International students and COCE students have a separate process.

### **Requesting a Medical Leave of Absence**

- Students retrieve the "Withdrawal/Internal Transfer/Leave of Absence" form in my.SNHU. Students requesting a leave of absence must submit the form to the Academic Advising Office.
- Students requesting a medical leave of absence are asked to provide confirmation from a medical doctor justifying the need for a leave. (Student Financial Services requires this doctor's note for compliance.)
- Any medical information that comes with the medical leave of absence request is collected by Academic Advising and shared with the Wellness Center, Student Financial Services, and the Registrar's Office.
- If medical information is not submitted at the time of the request, Student Success representatives will follow up with the student for the appropriate documentation.
- A Student Success representative will place a hold on the student's records, indicating that the student is away on a medical leave of absence.
- Students are sent a letter outlining the steps they need to follow in order to return.

### **Returning from a Medical Leave of Absence**

- Students are asked to refer to the instructional letter sent to them at the time of their leave. The steps include meeting with Academic Advising, Residence Life, and Student Financial Services.
- Additionally, if the student is returning from a medical leave, the student will be asked to contact the Wellness Center for an assessment.
- The Wellness Center will conduct an assessment and clear the student to enroll by removing the hold.

## **CARE Team**

The CARE Team provides a proactive and multidisciplinary approach to the prevention, identification, assessment, and intervention of situations that threaten the safety of individuals and/or the campus community. The CARE Team provides consultation to the university about how to intervene regarding

students who are at risk of harming themselves or others, always working to connect students with proper support.

The team's actions are supported by and under the auspices of the Dean of Students. Members come to the team with authority in managing both academic and co-curricular aspects of the university experience and may therefore spot trends and set up early intervention services as they evaluate behaviors from a variety of campus perspectives.

The CARE Team suggests referrals to appropriate offices and/or mandates psychological assessments, if necessary. The CARE Team members consult with appropriate offices to:

- Coordinate a response to the situation,
- Determine what to communicate to others affected by the situation, and
- Work in collaboration with the Office of Public Safety to determine if and how the community will be notified of action steps being taken.

Information sharing is based on a determination of who needs to know, potential risk to the health and safety of others, and what information is pertinent, in compliance with FERPA and HIPPA. The CARE Team members review open cases to determine if students may need follow-up contact.

Examples of behaviors that should be brought to the attention of the team include:

- Student shares a concern about a peer's reference to suicide ideation,
- Student makes a class video about placing bombs on campus,
- A residence director receives an email stating, "I'm going to kill everyone in my hall,"
- A student's social media site contains links to sites with information about poisoning others with cyanide,
- A student corresponds with a faculty member using language that indicates violent, disordered thinking.

### **Action Steps and Outcomes**

The team's deliberations may result in one of the following action steps:

- Recommendation for a student to continue at the university following the plan set forth by the CARE Team,
- Recommendation for a student to continue at the university following a medical provider's recommendations (as referenced in the medical leave policy),
- Recommendation for a student to be separated from the university.

### **Notification of Family, Roommates, Faculty, and Others**

In deciding whether and how to notify family, roommates, instructors, and others about a student's threatening behaviors, the team complies with FERPA. The team also considers what prevents it from notifying emergency contacts in a student's life about the student's potentially threatening behaviors, operating with a presumption of providing timely notice to persons affected by a student's threatening behaviors.

Persons reporting incidents are kept informed of the progress of the team, but may not be given details of specific action steps, unless the student provides written permission to do so.

### **Student Organization Recognition**

The university is a governed community with its ultimate authority residing in the Board of Trustees, delegated authority resting with the President and through the President, the various administrative

officers and recognized campus bodies. Each of these persons and bodies share, to an appropriate degree, in the role of guardians of the integrity and good name of the university. For this reason, the process of recognizing, supporting and fostering student organizations is a shared responsibility.

The university recognizes the potential of and the right to the existence of student clubs and organizations, which are in harmony with the missions, goals, and objectives of the university. To these various student groups, the university lends its name, support, and resources. The university, exercising its rights and responsibilities, affirms such groups as legitimate and productive members of the university community. Conversely, the university reserves its rights to deny or withdraw recognition from any group deemed not to be in concert with the goals and objectives of the university.

## **Student Organization Conduct Standards**

The university is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Behavior that is inconsistent with the Student Code of Conduct – caused by individual students or collectively by student organizations – is addressed through an educational hearing process designed to promote safety and good citizenship, as well as impose appropriate consequences when necessary.

The Student Code of Conduct applies to both individual students and student organizations; the Student Organization Conduct Standards serve as a subsection of the Student Code of Conduct, ensuring that all student organizations' officers and members:

- Know and accept responsibility for their actions and the actions of their members and guests, and
- Understand the responsibilities of holding official university recognition.

Additionally, the Student Organization Conduct Standards:

- Protect the rights of recognized student organizations,
- Ensure accountability for violations of university policy, and
- Guarantee due process in the adjudication of complaints concerning student organizations.

Student organizations must also abide by the Office of Student Involvement Handbook.

### **Student Organization Member Responsibilities**

The university expects student organization members to be good citizens, engage in responsible behaviors, positively represent their student organization and SNHU, treat others civilly, and constructively contribute to student life. When acting as part of a student organization, a student is responsible for his/her/their conduct both individually and collectively. Likewise, a student organization may be held responsible for the group's misconduct, as well as the misconduct of its leaders, members, representatives, or guests.

An individual acting as part of a student organization may be referred to the Office of Community Standards for adjudication of his/her/their behavior at the same time the student organization is held to the Student Organization Conduct Standards. Any external proceedings have no impact on the university's internal hearing processes for students or student organizations.

After a student organization's case has gone through the hearing process, governing councils may review member organizations' conduct and adjudicate accordingly.

### Application of Standards

Student organizations may be held accountable for a violation of the Student Organization Conduct Standards when a member or guest commit an alleged violation and any of the conditions below apply:

- The violation was sanctioned by an officer of that same organization, or officers had prior knowledge that the incident would take place
- Organization funds financed the venture,
- The violation was substantially supported, sponsored, or endorsed by the organization's membership,
- The violation grew out of, occurred during, or was related to any student organization-sponsored, -financed, -supported, or -endorsed activity, event, or environment created by the group,
- Members knew of the violation before or during the incident and did not attempt to prevent the infraction,
- The organization failed to report the incident or chose to protect its members,
- A reasonable person would understand the behavior to fall within the scope of the organization's activity
- The violation demonstrated a pattern of misconduct by student organization members, or
- The behavior undermined the university's reputation, the integrity of the educational process, or the safety and welfare of the university community either in its public personality or in respect to individuals within it.

### Process

The Office of Student Involvement exercises jurisdiction over all registered student organizations, including fraternities and sororities and club sports. The Executive Director of Community Standards and Student Support – in partnership with the Director of Student Involvement – coordinates the adjudication of all recognized student organizations' misconduct.

Determinations of responsibility are made on the basis of a preponderance of evidence (whether it is more likely than not that the student organization violated university policy).

No student or advisor may record any proceeding, but may request to listen to a copy of the recording, if available. Records are maintained according to the university's record retention schedule.

All university hearing officers and conduct board hearing members are trained by Community Standards staff.

### Policies and Rules

All student organizations must be aware of possible infractions, including:

- **University space or equipment violation**  
Utilizing university space or equipment for purposes other than it was originally intended or specified, damage of university property, etc. In most cases, an agreement for space usage is signed by a student organization representative.
- **Organization policy or procedure violation**  
Violation of a policy specified by the university or the Office of Student Involvement specifically intended to govern student organizations. Policies and rules governing student organizations are published yearly and can be accessed online in the Office of Student Involvement Handbook.

- **University policy violation**  
The university identifies unacceptable student behavior in the Student Code of Conduct, published within the Student Handbook. Individual students and student organizations' behaviors are managed by the Executive Director of Community Standards and Student Support.
- **Federal, state, or local law violation**  
When a student organization violates federal, state, or local law, the student organization may be charged with a disruption of community relations university policy violation, as well as in criminal or civil court.

## Procedures

The following procedures comprise the Student Organization Conduct Standards process:

- **Step 1: Incident Reported**  
Anyone may file a report alleging that a student organization violated a policy. Reports go to the Executive Director of Community Standards and Student Support, who informs the Director of Student Involvement about the alleged violation.
- **Step 2: Investigation**  
Community Standards staff work with university staff to review the alleged violation and the associated information and evidence. The offices of Student Involvement or Public Safety will conduct the investigation, which may include, but is not limited to: Interviews, review of incident reports (including previously reported incidents), evaluation of police reports, and discussions with student organization members, advisors, and other witnesses. The investigation is not intended to determine responsibility, but to gather information/evidence to aid the Executive Director of Community Standards and Student Support and Director of Student Involvement's determination of whether the reported incident has merit/should move forward in the process.
- **Step 3: Student Organization Charged**  
If merit is lacking, no charges are filed against the student organization and the information collected during the investigation is kept on file with the Office of Community Standards. If the case has merit, the Executive Director of Community Standards and Student Support and/or the Director of Student Involvement notify the student organization's president/chief officer and advisor, scheduling an initial conversation to discuss the alleged violation and the subsequent process.

Whether the case is decided through a meeting with Student Involvement staff, an administrative hearing, conduct board hearing, or other option, the group may be represented by no more than the president/chief officer and two active student members from the student organization. Other members of the student organization may be called as witnesses.

The group may also choose to have a hearing advisor, who may be the student organization's faculty/staff advisor, another member of the university community, or lawyer. While the hearing advisor may not participate directly in any aspect of the hearing, he/she/they may confer with the students. The hearing advisor may not question any individual, raise objections, or otherwise participate in the hearing. It is the students' responsibility to present all aspects of their own defense. Students must notify Community Standards staff in writing at least 24 hours prior to a hearing with the name of their hearing advisor.

If criminal charges are pending, a student may seek the advice of legal counsel in preparing for the meeting or hearing. When criminal charges are pending, a lawyer may be allowed attendance at the meeting or hearing, serving as either an observer or the student

organization's hearing advisor. In an observation role, the attorney is limited to advising the student organization about answering questions that may be self-incriminating.

- **Step 4: Meeting or Hearing**

Based on the investigation's outcome, the Executive Director of Community Standards and Student Support and Director of Student Involvement determine the student organization's adjudication type: Meeting with an Office of Student Involvement staff member, administrative hearing, conduct board hearing, or other option.

- **Step 5: Sanction Process**

When a student organization is found responsible, the Student Involvement staff member, hearing officer, or conduct hearing board consider the case's facts and circumstances to determine appropriate sanctions. Only at this point in the process do conduct board members receive the student organization's prior conduct record, which is considered when sanctioning. Also with conduct boards, both the Executive Director of Community Standards and Student Support and Director of Student Involvement (or designees) advise the conduct board members, should they have questions about sanctioning.

Recommended sanctions may include (but are not limited to):

- Reprimand,
- Service hours,
- Educational activities,
- Restitution (e.g., monetary compensation, replacement for property),
- Student organization probation/loss of privileges (e.g., suspension of student activity budget, suspension of access to student organization web space, inability to reserve on-campus rooms, inability to apply for SGA funding, suspension of office space, etc.),
- Student organization suspension/loss of recognition

- **Step 6: Decision Shared**

The Executive Director of Community Standards and/or Director of Student Involvement (or designees) provide the student organization's president/chief officer with the meeting or hearing's outcome, outlining findings of responsibility, sanctions, and the appeal process, if applicable.

If no appeal is made within five business days, the case is considered closed upon the completion of the recommended sanctions. If the student organization appeals, the process moves to Step 7.

- **Step 7: Appeal**

The president/chief officer, acting on behalf of the student organization, may appeal the meeting or hearing outcome. Appeals can be filed based only on:

- Availability of new information,
- Procedural error, and/or
- Severity of sanction.

If the president/chief officer appeals the meeting or hearing's finding, a written statement must be submitted within five business days of the decision notification. On appeal, the burden of error rests with the student organization. The appeal must state the reason, supporting facts, and recommended way to correct the error.

Appeal consideration involves a file review by the appeal board, which may affirm, modify, or reverse the case decision. All decisions are communicated in writing within 10 business days of an appeal's submission. All appeal board decisions are final.

### **Interim Conduct Action**

Students and recognized clubs/organizations who are alleged to have been involved in a major violation of university policy may be suspended in the interim from either residence or the university pending a hearing if the Dean of Students (or designee) deems it necessary. The university may also impose other interim measures including, but not limited to, prohibiting the organization from being on university property, sponsoring events or programs, attending programs and activities, and using university facilities. Determinations will be based on the nature of the alleged violation or any potential ongoing threat to any individual or community.



## UNIVERSITY COLLEGE RESIDENCE LIFE POLICIES

Any student found to have committed or to have attempted to commit the following misconduct is subject to the hearing process and sanctions outlined elsewhere in the Student Handbook.

### Bathrooms/Showers

Multi-occupancy bathrooms are designated as female, male, or gender inclusive. All personal items (shampoo, blow dryers, curling irons, etc.) should be kept in a resident's room when not in use; if items are left in the bathroom SNHU is not responsible for them.

### Courtesy Hours

Courtesy hours are maintained at all times, so as not to disturb neighboring residents, including those living on other floors and in other buildings. Exceeding a reasonable level of quiet at any point in the day is prohibited. Residents are expected to anticipate and respect the needs of other students, specifically the need to live in an environment conducive to sleep, study, and individual wellness.

### Grills

Personal cooking grills (charcoal, gas, or propane) are not permitted.

### Hall Sports and Activities

Athletic activities are not permitted in residence, unless sanctioned by staff.

### Health and Safety Regulations

The following policies are excerpts from the full health and safety regulations. For a complete listing, see Residence Life staff.

- 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.

### Misuse of Residence

Residents are responsible for all violations that occur in their residence. The use of a residence by people who are not assigned there is prohibited. This includes apartment, townhouse, entrance hallway, lounge, and other common areas.

### Motorized Vehicles

Motorized vehicles (including, but not limited to, motorcycles, mopeds, hover boards, self-balancing scooter boards, two-wheeled scooters, Segway carts, etc.) may not be operated, charged, or stored inside any residence hall.

**Occupancy**

Double-occupancy residence hall rooms are limited to six people, including residents. Non-traditional housing rooms (quads) are limited to eight people including residents. Suites, apartments, and townhouses are limited to 20 people including residents. Occupancy is limited for safety reasons.

**Pets**

Animals are prohibited in or around the residence areas, with the exception of fish, service animals, and emotional support animals. Service animals and emotional support animals must be approved and registered with the Campus Accessibility Center. A resident approved to keep an animal on campus will be responsible for following emotional support animal guidelines and cleaning/repair charges to his/her/their residence (e.g., furniture/carpet cleaning).

Fish are permitted with the following specifications:

- One tank (not to exceed 20 gallons) per living unit,
- Resident is responsible for care and maintenance over vacations and breaks; if the fish is left in the resident's room and is found deceased, the staff may need to dispose of the fish,
- Resident is responsible for any associated cleaning/repair charges to his/her/their residence.

**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:

- The appliance must be UL approved.
- Devices that overload or extend the normal capacity of outlets are prohibited. UL approved power strips with separate circuit breakers are allowed.
- 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.

**Projectiles**

Throwing or causing to be projected any object or substance that has potential for damaging or defacing university or private property or causing personal injury or disruption is prohibited. Dropping any item, or causing any item to be dropped from a window, is a violation of this policy. The owner/occupant of a residence is responsible for anything that leaves his/her/their window.

**Quiet Hours / 24-Hour Quiet Hours**

Speaking and/or playing radios, televisions, and stereos beyond a low-level and/or outside a closed room is prohibited. Out of consideration for other students, residents must keep noise to a minimum and not play Bluetooth speakers, stereos, musical instruments, or other devices out of windows or in common areas. If residents gather in halls or common areas, they must observe quiet hours, as other students may be studying or sleeping.

In addition to 24-hour courtesy hours, the university enforces the following quiet hours in its residence areas:

- Sunday through Thursday: 10 pm to 10 am
- Friday and Saturday: 1 am to 10 am

During the final examination period (starting at 1 am on the last day of classes), 24-hour quiet hours are in effect. Residence Life staff will post the start date of 24-hour quiet hours on a semester basis. Special quiet hours may also be set during graduate programs' final exams as the need warrants.

Typically, Facilities staff work in the residence areas beginning at 10AM, though they may need to begin earlier depending on their work.

**Refrigerators and Microwaves**

Personal refrigerators (maximum size of 3.5 cubic feet) must be located where they do not interfere with doorways. Microfridge units contracted through the university-approved vendor are the only approved microwaves allowed in residence hall rooms. All other microwave units are not allowed and will be removed if found in residence.

**Residence Damage Responsibility**

Damage to an assigned room, suite, apartment, townhouse, entrance hallway, lounge or other common areas, or to the furniture, fixtures, equipment, and effects they contain is not permitted. Residents are liable for the cost of any damage to their assigned residence, including university-owned contents.

When damage occurs in a common area, such as a hallway, bathroom, or stairwell, staff will try to identify the responsible person(s). If that is not possible and the cost is deemed billable, the cost of the damage will be divided among the residents of the area. To ensure proper materials, safety, and quality of workmanship, the university's maintenance staff will complete all repairs. Repairs that students make will not reduce the charges.

**Room Furnishings / Lounge**

The university provides an adequate amount of furniture for each living area. Moving university furniture from its assigned space, disassembling room furnishings, storing furniture elsewhere, or taking common area furniture for a resident's own use is not permitted. The cost of missing furniture is assessed to the residents of the area. Waterbeds of any kind are not allowed in any university residence.

**Unsanitary Conditions**

Hall staff conduct occasional health and safety inspections. If a room's condition may be deemed unhealthy or unsanitary, residents will be required to address this concern and hall staff will reassess the situation at a later date. Abnormal and/or unreasonable use of the facilities and/or property will be charged to the individual student or group of students residing in the area.

**Windows**

Students are not to remove screens or safety mechanisms from windows. Throwing items out of windows and climbing out of windows is prohibited.

## UNIVERSITY COLLEGE ACADEMIC HONESTY POLICIES

The following section is a reprint of the UC's academic honesty policy, also available in the Student Catalog. In the event of any discrepancies between this section and the policy printed in the Student Catalog, the Student Catalog's text will take precedent.

As an academic community committed to fostering an ethical and intellectual environment, the university holds its students to high standards of academic honesty; the university expects that all aspects of a student's educational path are conducted with the highest degree of honesty, accountability for one's own work, and respect for the intellectual property of others.

A student remains responsible for the academic honesty of work submitted in university courses even if the student has received a final grade. Ignorance of these standards is not a valid excuse or defense.

### Academic Misconduct

The intentional violation of college policies by tampering with grades or taking part in obtaining or distributing any part of a test, quiz, or graded assignment. Examples include:

- Stealing, buying, downloading, or otherwise obtaining all or part of a test and/or test answers.
- Selling or giving away all or part of a test and/or test answers.
- Asking or bribing any other person to obtain a test or any information about a test.
- Misrepresenting the truth; lying to an instructor/reviewer to increase a grade; and lying or misrepresenting facts when confronted with an allegation of academic dishonesty.
- Changing, altering, or being an accessory to changing and/or altering of a grade in a grade book, on a computer, on a test, on a "change of grade" form, or on other official academic records of the college that relate to grades.

### Alteration or Fabrication of Data

The submission of data not obtained or generated by the student during the course of research. The deceitful alteration of data obtained by the student during the course of research.

### Cheating

The act of deceiving, which includes such acts as, but are not limited to:

- Using unauthorized notes or other study aids during an examination;
- Using unauthorized technology during an examination;
- Improper storage of prohibited notes, course materials and study aids during an exam such that they are accessible or possible to view;
- Looking at other students' work or allowing one's own work to be looked at during an exam or in an assignment for which collaboration is not allowed;
- Attempting to communicate with other students to get or provide help during an exam or in an assignment for which collaboration is not allowed;
- Obtaining or providing an examination prior to its administration;
- Altering graded work and submitting it for regrading;
- Allowing another person to do one's work and submitting it as one's own;
- Doing work for another person for them to submit as their own;
- Submitting work done in one class for credit in another without both instructor/reviewers' permission;
- Obstructing or interfering with another student's academic work;
- Undertaking any activity intended to obtain an unfair advantage over other students.

### **Conspiracy**

Agreeing with any other person to commit or attempt to commit academic dishonesty.

### **Electronic Devices**

Examples of the improper use of electronic devices (such as personal computer, tablet, cell phone, and other devices) include but are not limited to:

- Unauthorized access, modification, use, creation or destruction of data stored on electronic devices.
- Selling or giving away all or part of the information on electronic devices that will be used as graded material.
- Sharing an electronic device while leaving answers on display or in memory.

### **Misrepresentation**

The substitution of another student/individual during the taking of a quiz/examination or for the completion of a course. Submitting a duplicate assignment with the student's name changed.

### **Multiple Submissions**

Multiple submissions is the use of work previously submitted at this or any other institution to fulfill academic requirements in another class. Slightly altered work that has been resubmitted is also considered to be fraudulent, although with prior permission, some professors may allow students to complete one assignment for two classes. In this case, prior permission from both instructor/reviewers is absolutely necessary. Students must properly cite any use of their previously submitted work.

### **Plagiarism**

The use, whether by paraphrase or direct quotation, of the published or unpublished work of another without full and clear acknowledgment through proper citation. Examples include: The misrepresentation of sources used in a work for which the student claims authorship; the improper use of course materials in a work for which the student claims authorship; the use of papers purchased online and turned in as one's own work submission of written work such as laboratory reports, computer programs, or papers that have been copied from the work of other students, with or without their knowledge or consent.

A student can avoid the risk of plagiarism in written work or oral presentations by clearly identifying and indicating, either in citations or in the paper or presentation itself, the source of the idea or wording that he/she/they did not produce. Sources must be given regardless of whether the idea, phrase or material is quoted directly, paraphrased, or summarized in the student's own words.

### **Unauthorized Collaboration**

The sharing of quiz/exam questions or answers with another student without the instructor/reviewer's permission. The copying of another student's homework without the instructor/reviewer's permission. Allowing another student to copy your work. Group collaboration on individual assignments without the instructor/reviewer's permission. Using a writing service or having someone else write a paper for you. Attempts to engage in any of the conduct described above or the facilitation of any of this conduct by another individual will be treated as conduct constituting academic dishonesty for purposes of this policy.

The preceding forms of academic dishonesty are stated in general terms. The individual schools may deem it appropriate to supplement the present statement of policy with specific interpretations that relate its terms and provisions to the individual programs of the schools. In addition, the individual schools are responsible for implementing programs to educate faculty, staff, and students in the

requirements of this policy and to answer any questions that may arise regarding specific interpretations of this policy.

### **Classroom Attendance Responsibility**

The university subscribes to the belief that an assumption of responsibility is at the center of learning and accomplishment. Each student is expected to arrange a class schedule that minimizes conflicts with other commitments, including personal obligations, participation in athletics or other university-sanctioned events, etc. The responsibility of attendance belongs to the student.

Attendance is required in all courses. Being absent and/or late for class may impact a student's grade, and in the case of excessive absences, may result in failure or the instructor/reviewer withdrawing the student from the course. Missing more than 10 percent of the scheduled class time may be considered excessive. Students are responsible for all missed work, assignments, etc.

The instructor/reviewer's policies on attendance and making up work must be included in the syllabus. Documented absences resulting from legitimate circumstances, such as personal illness, involvement in sanctioned university events, a death in the immediate family, etc. should not negatively impact a student's grade or academic standing. Notwithstanding the previous statement, once a student has missed enough classes that the instructor/reviewer believes that the student cannot meet the goals of the course within the remaining time frame, the student may be given a failing grade, withdrawn from the class, or be considered for an Incomplete (I) and given a defined period to complete his/her/their remaining course work.

## APPENDIX A: FERPA

### Student Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

(1) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

A student should submit to the university registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

The University forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the students' enrollment or transfer.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA is:

Family Policy Compliance Office



U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

### **SNHU Directory Information**

In compliance with FERPA, Southern New Hampshire University (SNHU) does not disclose personally identifiable information contained in student education records, except as authorized by law. SNHU may disclose appropriately designated Directory Information without a student's consent, unless the student has advised SNHU to the contrary in accordance with established procedures.

SNHU has designated the following information as directory information:

- Student's name
- Address(es)
- Telephone listing(s)
- Electronic mail address
- Photograph(s)
- Fields of study (major(s), minor(s), etc.)
- Dates of attendance/Enrollment status
- Anticipated program completion date
- Class level
- Degrees, honors, and awards received
- Weight and height of members of athletic teams
- Participation in officially recognized activities and sports
- The most recent educational agency or institution attended

If you do not want SNHU to disclose directory information from your education records without your prior written consent, you must notify the University in writing. This may be done at any time by submitting an Authorization to Prevent or Resume Disclosure of Directory Information to the Office of the University Registrar by fax 603-629-4647 or by email to [registrar@snhu.edu](mailto:registrar@snhu.edu). The primary purpose of Directory Information is to allow the University to confirm attendance to prospective employers and other third parties, and to include this type of information from your education records in certain University publications. Examples include: a playbill, showing your role in a drama production, the annual yearbook, Dean's List, President's List, recognition lists, Commencement Ceremony Program, and sports activity sheets/team rosters, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. Disclosures of directory information will be limited to specific parties for specific purposes or both.

### **Solomon Amendment & FERPA**

Solomon Amendment is a federal law that allows military recruiters to access the following "student recruiting" information on students age 17 and older at the time of the request:

- First Name
- Last Name
- Student Class Level (e.g. Freshman, Sophomore)
- Academic Program (e.g. BS in Accounting)
- Age
- Phone – Cell

- Phone – Home
- SNHU Email Address
- Preferred Address

Under the Solomon Amendment, information will be released for military recruitment purposes only. The military recruiters must be from one of the 12 eligible units within the five branches of the service:

- Army: Army, Army Reserve, Army National Guard
- Navy: Navy, Navy Reserve
- Marine Corps: Marine Corps, Marine Corps Reserve
- Air Force: Air Force, Air Force Reserve, Air Force National Guard
- Coast Guard: Coast Guard, Coast Guard Reserve

The Department of Education has determined that the Solomon Amendment supersedes most elements of FERPA. An institution is therefore obligated to release data included in the list, which may or may not match FERPA directory information list. However, if a student has submitted an Authorization to Prevent Disclosure of Directory Information to the Office of the University of Registrar to prevent the release of his/her directory information, then no information from the student's education record will be released under the Solomon Amendment.

## APPENDIX B: SEXUAL MISCONDUCT POLICY

### Introduction

Southern New Hampshire University ("the University"), in compliance with the spirit of various federal and state laws (e.g., Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, title VII of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act of 2013 ("VAWA"), and other similar state and federal statutes and regulations), adopts the policy and fosters an environment where no individual may threaten the health, safety and welfare of a member of the University community; or any person on University property; or at a University sponsored or supervised activity, through the commission of a sexual assault, engaging in sexual harassment, discrimination, battery, and/or misconduct, including acquaintance rape.

The University does not condone and will not tolerate sexual misconduct, 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.

The University encourages the reporting of sexual misconduct that is prompt and accurate. This allows the University community 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 obtain confidential assistance regarding an incident of sexual misconduct. Certain professionals at the University are permitted by law to offer confidentiality. Those who do not maintain the privilege 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 broadcast the information beyond what is required by law and policy. 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.

The University does not discriminate on the basis of sex in its educational programs and in other activities operated by the University and is required by Title IX, and specifically 34 C.F.R. Part 106.9, not to discriminate in such a manner. This extends to Associates of and applicants for admission to the University. Inquiries concerning the application of Title IX may be directed to the University's Title IX Coordinator.

In an effort to promote a safe and secure campus environment and prevent acts of sexual misconduct from occurring, the University engages in ongoing prevention and awareness education programs. All incoming students and employees are required to participate in these programs, and all members of the University/university community are encouraged to participate throughout the year in ongoing campaigns and trainings focused on the prevention of sexual misconduct on campus.

### Definitions

- **Acquaintance Rape**  
Forced, manipulated or coerced sexual contact committed by someone who knows the victim.
- **Associate**  
A faculty member, staff member, or University personnel
- **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 sixteen years of age cannot consent to sexual contact.

- **Dating Violence**

"Dating Violence" includes violence committed by a person:

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

- **Discrimination**

Treating an individual differently in the terms or conditions of his or her employment or education on the basis of his or her race, color, religion, sex, ethnicity, national origin or ancestry, age, physical or mental disability, sexual orientation, gender identity, gender expression, genetic information, veteran or military status, and all other categories protected by applicable state and federal laws.

- **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.

- **Hostile Environment**

A hostile environment can be created by anyone involved in a University’s program or activity (e.g., administrators, faculty members, students, and campus visitors).

In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the student who was harassed. But the University will also need to find that a reasonable person in the student’s position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To make the ultimate determination of whether a hostile environment exists for a student or students, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more student’s education.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

*First Amendment Considerations* This policy does not impair the exercise of rights protected under the First Amendment. Nor does it create First Amendment rights that do not currently exist within a private post-secondary institution. The University’s sexual misconduct policy prohibits only sex-based harassment that creates a hostile environment. In this and other ways, the University applies and enforces this policy in a manner that respects the First Amendment rights of students, faculty, and others.

- **Sex-Based Harassment**

“Sex-based harassment” includes sexual harassment and gender-based harassment.

- **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 Battery**

Sexual contact that occurs without consent.

- **Sexual Exploitation**

“Sexual exploitation” occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person’s consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;
- Distributing 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 objects to such disclosure; and,
- 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.

- **Sexual Harassment**

As defined in the 1980 Equal Employment Opportunity Commission’s Guidelines On Sexual Harassment, sexual harassment encompasses “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:

- 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
- 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
- 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
- Submission to or rejection of such conduct is the basis for academic or employment decisions affecting an individual; or
- 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.

- **Sexual Misconduct**

Any sex discrimination that can include discrimination, sex-based harassment, sexual battery, gender-based harassment, sexual harassment, sexual violence or assault, rape, sexual coercion or exploitation, sexual threats or intimidation, domestic violence, dating violence, stalking, and cyber-stalking.

- **Stalking**

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

- 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
- 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
- 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:

- Threatening the safety of the targeted person or an immediate family member.
  - Following, approaching, or confronting that person, or a member of that person's immediate family.
  - 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.
  - Causing damage to the person's residence or property or that of a member of the person's immediate family.
  - Placing an object on the person's property, either directly or through a third person, or that of an immediate family member.
  - Causing injury to that person's pet, or to a pet belonging to a member of that person's immediate family.
  - 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.

## Policy

### Scope

This policy applies to all members of the University Community including all students, faculty, staff, and other university officials, whether full or part-time and guest lecturers, as well as to conduct by third parties (i.e., individuals who are neither students nor employees, including but not limited to guests and consultants) directed toward, University students, faculty, or staff members. The policy applies to these parties regardless of sexual orientation or gender identity or expression. The policy governs the conduct of all faculty, staff, administration, Associates, students, volunteers and visitors at off-campus University sponsored events, including, but not limited to academic and educational programming, internships, study abroad programs, athletic events, and all other University programming, as well as to the conduct of all faculty, staff, administration, Associates, students, volunteers and visitors occurring off-campus but having an effect on the University's educational environment or a victim's educational

experience.

### **Purpose**

To define, prevent, and respond to Sexual Misconduct.

### **Prohibited Conduct**

The University strictly prohibits all forms of Sexual Misconduct. As defined above, this includes discrimination, sex-based harassment, sexual battery, gender-based harassment, sexual harassment, sexual violence or assault, rape, sexual coercion or exploitation, sexual threats or intimidation, domestic violence, dating violence, stalking, and cyber-stalking.

Sexual Misconduct is prohibited whether occurring on or off campus and whether directed against a member of the University community or outside the University. Allegations of sexual misconduct are investigated and processed in accordance with the discipline process outlined herein and in the Student Handbook, Employee Handbook, and/or SNHUPEA Agreement.

### **Reporting Policy**

The University encourages community members to report incidents of sexual harassment, sexual assault or any other sexual misconduct immediately to the University and the police. A report may be made by the victim of a violation of this Policy or by any other person having knowledge of the violation. Confidentiality concerns are addressed below.

### **Employee Reporting**

The University takes the position that all employees not having a legal duty of confidentiality (e.g. a licensed counselor, doctor, or nurse) are "Responsible Employees". A Responsible Employee is a University employee who has the duty to report incidents of sexual misconduct. With respect to students who are also employed by the University, only Resident Assistants (RAs) and those student employees with similar significant responsibility for student welfare are Responsible Employees under this policy.

A Responsible Employee who witnesses or has knowledge of sexual misconduct against a student must immediately contact the Title IX Coordinator, Human Resources, or anyone in a managerial position e.g., Chair, Division Director, Deans, Supervisor, Manager, Department Head, Director, or Vice President for advice and assistance and to ensure the University responds appropriately. A failure by a Responsible Employee to report a violation of this policy perpetrated against a student may warrant disciplinary action, and may in some circumstances also result in civil or criminal liability.

Any employee who has themselves been a victim of sexual misconduct should contact the Title IX Coordinator, Human Resources, or anyone in a managerial position e.g., Chair, Division Director, Deans, Supervisor, Manager, Department Head, Director, or Vice President.

### **Bystander Policy**

The University encourages all community members to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. 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.

### **Connection Between the Sexual Misconduct Policy and the Drug and Alcohol Policy**

Victims, bystanders, or other parties may have concerns about reporting sexual misconduct because of the University's drug or alcohol policy. The University's primary concern is student safety, and any drug or alcohol rules violations will be addressed separately from the sexual misconduct allegation. In addition, the University personnel involved in investigating violations of this Policy have discretion to grant amnesty from violations of the University's drug and alcohol policy on a case by case basis. The



use of alcohol or drugs never makes a victim at fault for sexual violence.

### **Role of the Title IX Coordinator**

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations at 34 C.F.R. Part 106, the University's Title IX Coordinator has primary responsibility for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this University, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

Sexual Misconduct against students, including sexual harassment, sexual assault, rape, and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX coordinator oversees the University's response to reports and complaints that involve possible sex discrimination affecting students to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the University can address issues that affect the wider school community.

A student or employee should contact the Title IX Coordinator or Deputy Title IX Coordinator(s) in order to:

- seek information or training about victim's rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct,
- file a complaint or make a report of sex discrimination, including sexual misconduct,
- notify the University of an incident or policy or procedure that may raise potential Title IX concerns,
- get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct, and
- ask questions about the University's policies and procedures related to sex discrimination, including Sexual Misconduct.

### **Functions and Responsibilities of the Title IX Coordinator**

The Title IX Coordinator's functions and responsibilities include the following:

#### **Training for Students, Faculty, and Staff**

The Title IX Coordinator provides or facilitates ongoing training, consultation, and technical assistance on Title IX for all students, faculty and staff, including:

- regular training for faculty and staff outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct, the obligation to report sexual misconduct to appropriate University officials, and the extent to which counselors and advocates may keep a report confidential, and
- regular training for students outlining their rights under Title IX; with regard to sexual misconduct, this training will include what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting options (including reports to Responsible Employees, campus and local law enforcement, and confidential reporting to counselors or advocates), the procedures used to process complaints, applicable disciplinary 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 employees who must report incidents to the Title IX coordinator, and Title IX's protections against retaliation.

## Investigations

The University is responsible for conducting adequate, reliable, and impartial investigations of reports and complaints of Sexual Misconduct. The Title IX Coordinator oversees many aspects of this response, including:

- determining whether the report or complaint alleges conduct that may, upon investigation, constitute prohibited sexual misconduct,
- reviewing the intake information to assess whether there is sufficient information upon which an investigation may proceed,
- appointing an investigative team upon such determination,
- making certain that individual reports and complaints are handled properly and in a prompt and timely manner,
- informing all parties regarding the disciplinary process,
- confirming that all parties have been notified of disciplinary decisions and of the right to, and procedures for, appeal, if applicable,
- maintaining information and documentation related to the investigation in a secure manner, and
- monitoring compliance with timeframes specified in the discipline procedures.

The Title IX Coordinator evaluates requests for confidentiality, as outlined below, by those who report or complain about sexual misconduct in the context of the University's responsibility to provide a safe and non-discriminatory environment for all students.

## Reporting Sexual Assault or Other Violations of the Sexual Misconduct Policy

### Timing of Complaints

If the respondent is a current Southern New Hampshire University student (undergraduate or graduate, full-time or part-time), there is no time limit for filing a complaint to initiate these Procedures. However, students are strongly encouraged to report sexual misconduct in a timely manner to maximize the University's ability to gather evidence, and conduct a thorough, impartial, and reliable investigation. If the respondent is a second semester senior (or in the final semester of a graduate program), the University may withhold that student's Southern New Hampshire University degree pending conclusion of the complaint resolution procedures.

### After Graduation Complaints of Pre-Graduation Incident

This Policy does not include adjudicating incidents that occurred before the accused was matriculated or after the student has graduated. The college can hear complaints against students who have graduated if the alleged incident took place before the accused student graduated and the complainant files a written complaint within the twelve months of the accused's date of graduation. If found to be responsible for a violation of sexual misconduct policy, the former student charged could face revocation of his/her diploma.

### Contact Information for Reporting:

All reports of sexual misconduct under this policy can be made to the Title IX Coordinator, or any other member of the Title IX compliance team. The University's Title IX compliance team includes Rebecca Lawrence, Title IX Coordinator; Danielle Stanton, Michael Graskemper, and Jim Winn, Deputy Title IX Coordinators:

- Rebecca Lawrence is the University's Title IX Coordinator and 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 r.lawrence2@snhu.edu. Ms. Lawrence, as Title IX Coordinator, is responsible for overseeing the University's response to all Title IX complaints.
- Danielle Stanton is the VP for Human Resources and can be reached in person at 1230 Elm

Street, 5<sup>th</sup> Floor, Manchester NH, by telephone at 603- 629-7820, and by email at d.stanton3@snhu.edu.

- Michael Graskemper is the Director of Dispute Resolution for the College of Continuing and Online Education (COCE) and is also the Deputy Title IX Coordinator for COCE. He can be reached at 603-314-7647, or at M.Graskemper@snhu.edu.
- Jim Winn is the Director of Public Safety, in addition to being a Deputy Title IX Coordinator for University College, and can be reached in person at Morrissey House, 2503 North River Road, Manchester NH 03106, by telephone at 603-645-9700, or by email at safety@snhu.edu.

**Students:**

Any student who believes that he or she has been subject to sexual misconduct and wishes to report it should immediately contact the Title IX Coordinator or any member of the Title IX Compliance team using the contact information above. Violations may also be reported to Public Safety at 603-645-9785, the office of Residential Life at 603-645-9758, coaches, Athletic Director, or any member of the Division of Student Affairs. and Academic Development staff, or any other Responsible Employee. Confidentiality and the opportunity for confidential reporting are addressed below.

**Employees:**

Any manager or Responsible Employee who wishes to report a complaint of sexual misconduct should immediately contact a member of the Title IX Compliance Team or the office of Human Resources at 603-644-3125.

**Reporting to the Police**

Students are also encouraged to report sexual assault and relationship violence not only to the Public Safety or a Title IX Coordinator, but also to law enforcement authorities. However, students have a right to choose not to file a report with law enforcement. The decision to file a criminal complaint is a deeply personal choice. Students often make this decision based on the circumstances surrounding the incident and the circumstances in their life at the time of the incident. Some students discover that participating in a proceeding to hold the accused accountable helps them to regain some measure of control lost by virtue of the assault, and to protect themselves and others from future harm. Students 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, students will be given the opportunity and assistance to speak with appropriate local law enforcement personnel to make the report. Public Safety and/or the Title IX coordinator will assist students wishing to file a criminal complaint. Students do not need to file a criminal complaint in order to initiate disciplinary proceedings with the University, and the University may find an accused student responsible for violating the student disciplinary policy regardless of the status or outcome of the criminal proceedings, if any. Absent extenuating circumstances, the University will not unduly delay its Response Procedure to await the completion of any criminal proceeding or investigation, unless required to do so by valid court order.

Students may also wish to pursue a criminal or civil restraining order from a local court, and the University can offer a victim resources with information about how to obtain such an order.

Students in an ongoing emergency should dial 911. 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	Manchester Police Department 405 Valley Street Manchester, NH 03106 (603) 668-8711
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### Health Care Resources in the Manchester Area

Every victim 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.

In the case of an ongoing emergency, dial 911.

Elliot Hospital 4 Elliot Way, Manchester, NH 03013 (603) 669-5300	Catholic Medical Center (CMC) 100 McGregor St, Manchester, NH 03102 (603) 668-3545
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Sexual Assault and Domestic Violence resources in New Hampshire and the Manchester area include:

New Hampshire Sexual Assault Hotline 1-800-277-5570	New Hampshire Domestic Violence Hotline 1-866-644-3574
YWCA Crisis Service 72 Concord Street, Manchester Crisis line: 603-668-2299	

### On-Campus

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 contacting Public Safety or Residence Life who will notify a counselor on call.

### Resources for Online Students

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 COCE Wellness Center's webpage at <https://my.snhu.edu/Offices/COCE/Wellness>. Students located outside of New Hampshire can click the "Locate Resources in Your Area" link to be directed to crisis resources based on their location.

### Confidentiality

Cases involving alleged discrimination, harassment or violence based on sex demand special attention to issues of confidentiality. Dissemination of information relating to these cases is limited so as to ensure, as fully as possible, the privacy of the individuals involved. Additionally if the complainant wishes to remain anonymous, or not pursue a formal complaint, the complainant should be advised that the University's response may be limited.

Furthermore, because of the University's obligation to maintain a safe environment for all members of the University community, the University may have an obligation to pursue an investigation without the complainant's cooperation. In such cases, the University will take preventative measures to preserve confidentiality to the extent practicable and permissible by applicable law.

The University encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the University can respond appropriately.

Different employees on campus have different abilities to maintain a victim's confidentiality.

- Some, including professional counselors, doctors, or nurses, are required to maintain near complete confidentiality\*.
- All other employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator. A report to these employees (called "Responsible Employees") constitutes a report to the University—and generally obligates the University to thoroughly review and, if deemed necessary, appropriately investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence. The University encourages victims to talk to someone identified in one or more of these groups.

## Reporting Options:

### Privileged and Confidential Communications

- **Professional and Pastoral Counselors**

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

These counselors are not required to report any identifying information about an incident to the Title IX coordinator without a victim's permission. A counselor 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 counselor 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. During nights, weekends and holidays, a student can access services by contacting Public Safety at 603-645-9700 who will notify a counselor on call.

Students in the College of Online and Continuing Education (COCE) can also log on to <https://my.snhu.edu/Offices/COCE/Wellness> and find a list of available professional counseling resources in their state.

- **Registered Nurses**

In addition to counseling services, the campus Wellness Center is staffed by two full-time Advanced Practice Registered Nurses (APRN) and one licensed registered nurse. 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 counselor, 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.

Both professional counselors and licensed nurses may be required to break confidentiality in

certain circumstances, as more fully described in “Exceptions to Confidentiality,” below.

A victim who speaks to a professional counselor or nurse must understand that, if the victim wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. Again, 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 victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors will provide the victim with assistance if the victim wishes to do so.

### **Exceptions to Confidentiality:**

While these professional counselors and nurses may maintain a victim’s confidentiality vis- à-vis the University, they may have mandatory reporting or other obligations under state 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, behavior 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. Any such warning should not include any information that identifies the victim.

### **Reporting to “Responsible Employees.”**

A “Responsible Employee” is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a Responsible Employee about an incident of sexual violence, the victim has the right to expect the University to take immediate and appropriate steps to review thoroughly and appropriately investigate what happened and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A Responsible Employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

All University employees other than licensed counselors or medical professionals are deemed to be Responsible Employees. This includes, but is not limited to: University administrators, Campus Safety Officers, student affairs personnel, residence life employees, and all faculty, adjuncts, and instructors. The only Student Employees who are Responsible Employees are Resident Assistants (RAs) and those student employees with similar significant responsibility for student welfare.

To the extent possible and practicable, a Responsible Employee should try to ensure that the victim understands the employee's reporting obligations before a victim reveals any information to a responsible employee, – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Coordinator of the victim's request for confidentiality.

Responsible Employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the University to fully investigate an incident. By the same token, Responsible Employees will not pressure a victim to make a full report if the victim is not ready to do so.

#### **Requesting Confidentiality: How the University Will Weigh Request and Respond**

If a victim discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the University honors the request for confidentiality, a victim must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

There are times when the University may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all members of the university community.

The University has designated the Title IX Coordinator to evaluate requests for confidentiality once a Responsible Employee is on notice of alleged sexual misconduct. The Title IX Coordinator may consult other appropriate University stakeholders in his or her assessment of such a request and consideration of the factors identified below.

- When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the University will consider a range of factors, including the following:
- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
  - whether there have been other sexual violence complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
  - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;

- whether the victim is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the victim's request for confidentiality.

**If the University determines that it cannot maintain a victim's confidentiality**, the University will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or University employees, will not be tolerated. The University will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- provide other security and support, which in some circumstances could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The University may not require a victim to participate in any investigation or disciplinary proceeding.

**If the University determines that it can respect a victim's request for confidentiality**, the University will also take immediate action as necessary to protect and assist the victim.

## The University's Response Procedure

Upon the University receiving notice of an incident of Sexual Misconduct, the University will provide the complainant with additional resources and a written notification outlining a number of choices including but not limited to:

- speaking with a counselor
- seeking medical assistance
- reporting the incident to local police
- filing formal conduct charges
- requesting reasonable accommodations

### Timeframe for Response Process

Unless otherwise stated, all timeframes under this policy are listed in calendar days, not business days.

The University will conduct a timely review of all complaints of sexual misconduct. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint, or a maximum of ninety (90) calendar days in the event of a subsequent appeal.



An appeal of the results, whether by the complainant or the accused, must be submitted within five (5) business days of receipt of the written result. Absent extenuating circumstances, decisions on appeals are typically issued within thirty (30) days of the date of the original decision.

### **Extensions**

All deadlines and time requirements in the Code may be extended for good cause as determined by the Title IX officer or his or her 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 not be longer than 5 business/school days.

### **Extenuating Circumstances**

Notwithstanding the above, Extenuating Circumstances may require that this timeline be extended. For example, a complainant who seeks confidentiality and chooses not to name an accused at the time of intake may cause an investigation to be paused. If that complainant later identifies an accused, the Response Process may be re-initiated, and the time from the receipt of the initial incident report to sanctions, if imposed, may extend beyond sixty (60) days.

### **Hearing Procedures**

Please refer to the Southern New Hampshire University Student Handbook, Employee Handbook and/or SNHUPEA Agreement for a further description of investigation, grievance, and adjudication procedures. With respect to incidents of alleged Sexual Misconduct, any conflict between the procedures described in this Policy and either Handbook, the terms of this Policy shall control.

### **Intake**

Upon receiving a complaint, the University will conduct an Intake. At the Intake stage, the University will take steps to make a safety plan, prevent or address any retaliatory conduct, address any immediate physical or emotional safety concerns for anyone involved, offer support to the complainant with any law enforcement reporting decision, address any threat to the safety of the University community, and enter any non-identifying information into the University's crime log.

Prior to initiating its investigation, the University will inform the complainant of their intention to investigate, and request his or her consent to do so. The University will assess any requests for confidentiality or requests not to investigate further at that time, consistent with the Confidentiality policy outlined above. If the University cannot honor such a request, the complainant will be informed at that time.

### **Informal Resolution Options**

The University may present an opportunity for informal remedies or resolution at any time during the response process. A complainant will never be expected to work out a resolution directly with the accused. Likewise, in incidents of sexual assault or sexual violence, mediation is never an option. Informal resolutions are voluntary.

### **Interim Measures**

If necessary, the University will take immediate steps to protect complainants pending the final outcome of an investigation with interim measures. If it is determined by a staff member that contact between specific persons may pose a threat to the safety or emotional well-being of an individual, a No-Contact order can be issued by the University. Other interim measures available to the University include but are not limited to: temporary administrative suspension, restrictions on participation in a team or organization, or student accommodations as described below.

## **Student Accommodations**

A student who has been a victim of sexual misconduct may request an academic accommodation or change in residence after a report of sexual misconduct. Any individual who makes a request will receive an appropriate and reasonable accommodation. 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. Pursuant to Title IX, in most cases of sexual violence or sex discrimination, the University will endeavor, to the extent practicable, to change the schedule or accommodations of the accused student prior to changing the schedule or accommodations of the complainant.

After any necessary Interim Measures or Accommodations have been made, the scope of any further investigation or disciplinary action will depend upon factors including but not limited to: whether the complainant wishes to pursue a complaint to the University Conduct Board and whether the University has an obligation to pursue a University Conduct Board hearing regardless of the wishes of the complainant to preserve the safety of the University community.

### **Investigation and University Conduct Board Discipline Process**

After the Intake, the Title IX Coordinator or an assigned Deputy Coordinator will determine if the allegations contained in the complaint would, if proven, constitute a violation of this Policy. If a determination is made that the allegations would constitute a violation, an Investigation will be initiated by the Title IX coordinator or his or her deputy or designee.

If the Title IX coordinator determines that the allegations, if true, would not constitute a violation of the Policy, the complainant will be provided with other support options as appropriate, but the Title IX coordinator will not pursue any further investigation or discipline under this Policy at that time.

If, however, the complainant presents new evidence, reveals new information, or presents a violation of another SNHU Policy, this decision can be reevaluated by the Title IX Coordinator in his or her discretion.

### **Investigation Process**

If the Title IX Coordinator determines that an investigation is appropriate under the standard described above, the Title IX Coordinator or an assigned deputy Title IX coordinator will conduct a prompt, fair, and impartial investigation that involves interviewing parties and witnesses as appropriate, and reviewing evidence including available police reports. All investigations will be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct a hearing process that protects the safety of victims and promotes accountability. Any member of the university community who knowingly makes a false statement to the investigator during the course of the investigation may be subject to disciplinary action.

The Investigator will complete an investigation report within a reasonable time period after initiating the investigation. The Title IX Coordinator will then, based upon the findings in that report, determine whether the conduct in question should be referred to the University Conduct Board for a hearing. If so, written charges will be prepared by the Title IX Coordinator or his or her designee, provided to the complaining party and the accused simultaneously by email, and filed with the University Conduct Board. An investigative report completed as part of this process is a fact-finding report that will not include a recommendation of sanctions to the University Conduct Board, which will determine what sanctions, if any, are to be imposed. The report shall be mandatory evidence for the University Conduct Board hearing, and will be presented to the Board by the Title IX Coordinator or the Investigator.

If the Title IX Coordinator determines that the information presented does not merit a referral for a University Conduct Board 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 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 this Policy are discovered.

**Option to File Independent Charges:**

Under extenuating or unusual circumstances, at the sole discretion of the Dean of Students, the complainant may be permitted, despite a decision by the Title IX Coordinator not to refer the matter to the University Conduct Board, to file independent charges with the University Conduct Board on his or her own behalf. In such cases, the Investigator's report shall be considered as evidence by the Conduct Board, and the Investigator shall be called by the Board as a necessary witness. A complainant wishing to file independent charges must seek permission of the Dean of Students, no later than 180 days of the alleged incident, unless extended for good cause by the Dean of Students in his or her sole discretion.

**University Conduct Board Hearing for Students**

If the matter is referred to the University Conduct Board, or if a complainant files independent charges with the Student Conduct Board, a hearing will be conducted consistent with the process outlined in the Student Handbook and herein. All hearings conducted 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. In the event of any discrepancy between the procedures described in the Student Handbook and this Policy, this Policy shall control.

**Applicable Procedures for Employees**

The adjudication of complaints lodged against Southern New Hampshire University employees will be handled consistent with the Southern New Hampshire University Professional Employees Association Agreement and the Employee Handbook.

**Parties' Rights to Advisors**

The accused and the complainant may be assisted during disciplinary hearings, any mediation, and related meetings, by an advisor of their choice, including an attorney. The respondent and complainant may propose witnesses and may produce other evidence for consideration by the University Conduct Board. The respondent and complainant are responsible for presenting evidence on their own behalf. Either party may request a brief recess to consult with their advisor which will be granted at the discretion of the hearing officer or his or her designee. Advisors may speak privately to their advisee, during the proceeding, but may not present evidence, question witnesses, raise objections, or address the student conduct body.

**Student Sanctions**

The University considers Sexual Misconduct violations as extremely serious and subject to sanctions including expulsion, suspension, disciplinary probation, recommended counseling, and/or other educational sanctions.

**Evidentiary Standard in Sexual Misconduct Complaints:**

The burden of proof in all cases of Sexual Misconduct to be adjudicated by the conduct board is "the preponderance of the evidence" standard – 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.

**Conflict of Interest**

If there is a real or reasonably perceived conflict of interest involving the actions of the designated



