

Table of Contents - 700 Student Affairs Policies

|        |   |    |
|--------|---|----|
| 720.01 | Student Activities .....  | 2  |
| 720.02 | Student Organizations/Advisors .....  | 2  |
|        | Advisor Responsibilities: .....   | 2  |
|        | Advisor Responsibilities at Student Events.....   | 3  |
|        | Advisors as Volunteers.....   | 3  |
|        | Other.....  | 3  |
| 720.03 | Expenditures for Student Activities.....  | 3  |
| 720.04 | Expenditures for Ceremonies and Events (also referenced in finance section 421.09).....   | 5  |
| 720.05 | Student Expression/Communication.....   | 5  |
| 720.06 | Athletics .....   | 6  |
| 730.01 | Student Hazing.....   | 6  |
|        | 1. Purpose and Scope .....  | 6  |
|        | 2. Definitions .....  | 6  |
|        | 3. Prohibitions and Obligations .....   | 6  |
| 730.02 | Alcohol Policy - Students .....   | 7  |
| 730.03 | Drugs and Narcotics.....  | 8  |
| 730.04 | Sex Discrimination, Sex-Based Harassment, Sexual Misconduct, and Retaliation Policy<br>(Formerly: Title IX Policy and Sexual Harassment Formal Grievance Procedures)..... | 9  |
|        | Policy Applicability, Scope, & Jurisdiction.....  | 9  |
|        | Policy Statement and Purpose .....  | 10 |
|        | Definitions .....   | 10 |
|        | Procedures .....  | 18 |
| 730.05 | Barred and Expulsion .....  | 58 |
| 730.06 | Student Code of Conduct and Judicial Process.....   | 58 |
|        | I. Introductions.....   | 59 |
|        | II. Student Code of Conduct .....   | 60 |
|        | III. Violation of Civil/Criminal Law and CCSNH Community Standards and Code of Conduct .....  | 64 |
|        | IV. Violation of Community Standards and Code of Conduct Process .....  | 65 |
|        | V. Student Rights.....  | 70 |
|        | VI. Student Rights–Grievance Procedures .....   | 72 |
| 730.07 | Statement of Non-Discrimination.....  | 74 |
| 730.09 | Timely Warnings & Emergency Notification Policy .....   | 74 |
|        | Policy Statement.....   | 74 |
|        | VII. Policy Purpose .....   | 74 |
|        | VIII. Scope of Policy .....   | 75 |
|        | IX. Timely Warning Protocol .....   | 75 |
|        | X. Emergency Notification Protocol.....   | 75 |

XI. Timing, Content, and Decision Criteria for a Campus Timely Warning or Emergency Notification  
76

|        |   |    |
|--------|---|----|
| 740.01 | Domicile and Tuition Rate.....                                      | 76 |
| 740.02 | Determination of In-State Status .....                              | 79 |
| 740.03 | Change in Status.....   | 79 |
| 740.04 | Waiver .....  | 80 |
| 740.05 | International Student Admissions .....                              | 80 |
| 740.06 | Admissions - Home Schooled Students.....                            | 82 |
| 740.07 | Assessment of Applicant Submitted Documents (formerly 660.02) ..... | 82 |
| 750.01 | Financial Aid.....  | 83 |
| 750.02 | Philosophy of Financial Aid .....                                   | 83 |
| 750.03 | Purpose of Financial Aid .....                                      | 83 |
| 750.04 | NH Vocational-Technical Education Loan Fund .....                   | 84 |
| 750.05 | New England Regional Student Program .....                          | 85 |
| 750.06 | Student Records .....   | 86 |
| 750.06 | Data Consistency .....  | 86 |
| 760.01 | Immunization Policy.....  | 88 |
| 760.02 | HIV (Human Immunodeficiency Virus) Policy.....                      | 89 |
| 760.03 | Unattended Children on Campus.....                                  | 90 |
| 760.04 | Children in the Workplace.....                                      | 91 |

## 720.01 Student Activities

*Date Approved: 3/18/2008*

*Date of last Amendment: 12/21/2010*

*Date Effective: 1/1/2011*

*Approved by: Richard A. Gustafson, Chancellor*

1. The College administration, at its sole discretion, may recognize student groups, clubs and organizations if:
  - a. A faculty/staff advisor is selected who will advise the group in organization and in the exercise of responsibility.
  - b. The Student Governing Board has approved a statement of purpose, criteria for membership and rules of procedure and policies for the effective operation of the group. A list of officers shall be provided to the college administration.
  - c. An established group shall be open to all students without regard to race, sex, color, marital status, sexual orientation, political affiliation, creed, national origin, age, handicap, or religion, except for religious qualifications which may be required by organizations whose aims are primarily sectarian. (According to all State and Federal Laws).
  - d. Established groups are free to examine and to discuss all questions of interest to them and to express their opinions. They shall be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution or any other organization. At the same time, it must be made clear that in their public expression, students or student organizations in their public expressions speak only for themselves. Activities shall be planned and conducted with the awareness that CCSNH is a public institution.
  - e. With the approval of the faculty/staff advisor and President of the institution, they invite and hear speakers of the students' own choice. It shall be made clear to all concerned that sponsorship of guest speakers does not imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

## 720.02 Student Organizations/Advisors

*Date Approved: 11/17/2009*

*Date of last Amendment: 12/21/2010*

*Date Effective: 1/1/2011*

*Approved by: Richard A. Gustafson, Chancellor*

The CCSNH System colleges support student life and encourage faculty/staff involvement in student clubs, organizations, functions and activities, both as participants and advisors on a voluntary basis. Student organizations and sponsored events provide a learning laboratory for leadership experience and opportunities to explore and pursue interests outside of the classroom. Advisors are available to help students reach these goals while allowing students the freedom and space to grow and develop skills.

### Advisor Responsibilities:

Advisors for student organizations have the following responsibilities:

- Serves as role model for the organization;

- Meets with organization officers on a regular basis;
- Assists in the planning and attends programs when possible;
- Assists in goal setting;
- Assists with budget and fiscal issues, including budget requests and fiscal oversight;
- Obtains liability waivers for activities as required;
- Assists in the development of by-laws;
- Keeps students informed of institutional policies, practices, and mission;
- Assists in the continued development of the organization;
- Assists in officer transitions.
- Acts as a liaison between the organization and faculty and administration

### Advisor Responsibilities at Student Events

Advisors at student events have the following responsibilities:

- Serves as a role model during the event
- Assists in the planning of the event and ensures that the event is planned in accordance with college policies and procedures;
- Obtains liability waivers for activities as required;
- Is present at the event and, with the event planners/sponsors, manages any problems that may arise;
- As a representative of the college, ensures that the event reflects the values and mission of the college.

### Advisors as Volunteers

Organization and event advising is generally voluntary. The college/organization does not provide financial remuneration, except for those expenses reasonably incurred in the normal course of fulfilling one's responsibilities to the organization. In certain circumstances, staff may be eligible for an adjustment to work schedule (i.e., flexible schedule), with the approval of a supervisor.

### Other

- Liability: The CCSNH carries liability insurance to cover employees and volunteers involved in college-approved activities.
- If the advisor is aware of student(s) engaging in activities that are in violation of college policies, the advisor is obliged to inform the students of such violations. If the student(s) continue to engage in such activities the advisor may dismiss the student(s) from the activity and/or refer the student(s) subsequently to the college's Judicial Committee. The student(s) will be responsible for any costs, including transportation, incurred as a result of the dismissal. In instances where a law has been violated the advisor may be obliged to contact local authorities.
- If renting a vehicle is part of a student activity, the organization should purchase the additional Collision Damage Waiver protection.

## 720.03 Expenditures for Student Activities

*Date Approved: 12/21/2010*

*Date Effective: 1/1/2011*

*Date of last Amendment: 12/21/2010*

*Approved by: Richard A. Gustafson, Chancellor*

The Comprehensive Student Services Fee may have two components: A Student Activities portion and an Administrative portion. Each campus determines the portion of the Comprehensive Student Services Fee that will be allocated to each, with the approval of the Finance Committee and Board of Trustees.

The Student Activities portion of the fee must be placed in a dedicated account and be used to support such college recognized activities as clubs, organizations, intramural and club sports, entertainment and scholarships.

The Administrative portion of the fee must be placed in a dedicated account designated for the support of Student and Academic Affairs. Prohibited uses would include: professional development and/or travel/lodging/meal reimbursement for faculty or staff, marketing, and furniture purchases.

Other fees or revenue such as bookstore commissions and vending commissions are deposited into other operating accounts for use by the college administration.

1. Purchases and other expenditures from the Student Activity account must follow the purchasing policies and procedures of CCSNH.
2. Each college must have a clear approval process for the expenditure of student funds, including requests, allocations, dollar amount limits, restrictions, reimbursements, required documentation, and timelines. Each college will have appropriate forms to reflect the above requirements.
3. Expenditure of funds from student accounts must be authorized by a minimum of three signatures, one of which must be the President or Treasurer of the Student Senate or the President or Treasurer of the club/organization. The second must be the VPSA or the Director of Student Life, who ascertains the appropriateness of the expenditure. The third must be the college CFO, or his/her designee. Signators are responsible for assuring that expenditures are in compliance with policy. Each college will set up procedures for the authorization of expenditures in the event of emergencies or prolonged absence of one or more of the signators (summer, e.g.).
4. With proper authorization, Student Activity account funds may be used for "gifts" to the college for items other than programs or activities—furniture, TV's, sound systems, etc.
5. Student Activity funds may not be used to make direct donations to individuals, charitable organizations, political parties or candidates, or to support attendance at political events. However, Student Activity funds may be used to cover any initial costs associated with fundraising efforts which support charitable or political causes (purchasing raffle items, e.g.). Those funds must be repaid to the Student Activity fund upon completion of the fundraising activities, however. (Student Activity funds may be used for individual scholarships as provided in 720.03)
6. Allocations of funds, as described in number 720.03.3 above, should complement and not supplant institutional funds. Such expenditures should be shared between the Student Activities account fund and college funds.

7. Student Activity funds may not be moved into other college accounts unrelated to Student Affairs programs and activities.
8. No recognized student organization is permitted to hold an off-campus bank account.
9. Expenditure of funds from student activity accounts must be done willingly and without undue influence or coercion.

## 720.04 Expenditures for Ceremonies and Events (also referenced in finance section 421.09)

*Date Approved: 12/21/2010*

*Date Effective: 4/20/2011*

*Date of last Amendment: 4/20/2011*

*Approved by: Richard A. Gustafson, Chancellor*

1. Departments or programs may hold special ceremonies (such as the pinning ceremony for the Nursing Department) provided they are approved by the President or his/her designee. A fee determined by the students may be charged to cover the full or partial cost of such events.
2. The College may use college funds to cover the full or partial cost of departmental or program recognition events.
3. Student Activities funds may be used to support student focused college-wide social or student recognition events.
4. College funds are used to support such events as commencement, convocation, orientation and the hosting of community groups or events. Such events may include college faculty, staff and guests.

## 720.05 Student Expression/Communication

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

Student publications must establish and maintain an atmosphere of free and responsible discussion.

1. Each student publication shall be authorized by the administration and shall have an advisor whose role is to assist students.
2. Student publications shall be free of censorship, but editors and managers shall avoid articles, words, or phrases of indecency, libel, undocumented allegations, attack on personal integrity, and the techniques of harassment and innuendo. Violation of this code will be handled under the institution's disciplinary rules.
1. Institutions which publish and finance student publications shall make clear on the editorial page that the opinions expressed are not necessarily those of the institution or student body.

## 720.06 Athletics

*Date Approved: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Date Effective: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

Athletics is a desirable student activity in that it can fulfill the student need for physical fitness, the use of leisure time, and other objectives stated in the Board's Student Activity Policy. Individual and collective intramural, club and intercollegiate athletic activities for both men and women are therefore highly encouraged. Providing athletic opportunities for all students should be considered a key component in fulfilling the college's mission to support and maintain extracurricular activities that complement a student's classroom education.

## 730.01 Student Hazing

*Date Approved: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Date Effective: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

### 1. Purpose and Scope

As institutions within the Community College System of N.H., the CCSNH Colleges hereby recognize the dangers inherent in student hazing, condemns the practice, and place students and staff on notice that hazing must be treated as a criminal offense and reported to the police, and will subject those who participate in it to college disciplinary procedures as well.

### 2. Definitions

For the purpose of this policy, the following terms shall have the meanings ascribed to them below:

Hazing means any act directed toward any full-time or part-time student, or any coercion or intimidation of a student to act, participate in, or submit to any act which is likely or would be reasonably perceived as likely to cause physical or psychological injury to any person and is a condition of initiation, admission, or continued membership in the college, or any fraternity, sorority, club, or other college or college-affiliated or sanctioned organization.

### 3. Prohibitions and Obligations

Hazing is a Class B misdemeanor in the State's Criminal Code, for any person who knowingly submits, and any person who has direct knowledge of it and fails to report it to the school authorities and the police.

- a. It is also a Class B misdemeanor for the college or any fraternity, sorority, club or other college-affiliated organization to knowingly or negligently fail to take reasonable measures within the scope of its authority to prevent it, or fails to report it to the police. Express or implied consent of the victim is not a defense to the crime of hazing.
- b. No college student, official, or employee shall participate in hazing.

- c. No college student, official, or employee shall knowingly submit to hazing without reporting it as soon as practicable to the Vice President of Student Affairs, Campus Security/Safety and to the police.
- d. Any college student, official, or employee having direct knowledge of hazing occurring in connection with the college or any college-affiliated organization shall forthwith report it to the Vice President of Students/Campus Police and to the police.
- e. Any college official, or employee present at the scene of any hazing shall take all reasonable steps within the scope of his/her authority, and any college student, official or employee present at the scene of any hazing shall report it to the Vice-President of Students/Campus Police and to the police, without delay.
- f. Anyone in the college community who has knowledge or reasonably suspects that an act of hazing will occur shall forthwith report it to the college authorities and to the police.
- g. Copies of this policy shall be made a part of the official student handbook and the college personnel policies, and posted conspicuously on college bulletin boards at various locations on campus.

## 730.02 Alcohol Policy - Students

*(See Facilities Section 562.02 - Alcohol Policy: College Facilities)*

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 6/19/2012*

*Approved by: Richard A. Gustafson, Chancellor*

1. The CCSNH supports the Drug Free Schools and Communities Act Amendment of 1989, P.L. 101-226, and complies with this and all Federal, State and local laws pertaining to controlled substances, including alcohol.
2. The CCSNH recognizes alcohol abuse as a deterrent to the mission of the Colleges. The abuse of alcohol imposes consequences on the individual, the members of the College community and the community as a whole. To address alcohol consumption at the CCSNH, all Colleges in the CCSNH shall provide educational programs on the abuse of alcohol and other drugs and provide referral for assistance for students who seek it. Colleges are encouraged to establish campus-wide committees to assist in development of these programs in response to particular campus needs and identification of referral resources in their respective service regions.
3. Alcohol is not permitted on CCSNH property, including any of the Colleges, academic centers, leased facilities except as specifically allowed by CCSNH policy and laws governing the acquisition, distribution, possession or consumption of alcohol. The sale or distribution of alcoholic beverages is regulated by the laws of the State of New Hampshire, and local or county ordinances. The acquisition, distribution, possession



or consumption of alcohol by members of the CCSNH community must be in compliance with all local, state and federal laws.

4. Except as prohibited by law, and provided that all conditions of any Federal, State and/or local law, regulation or code are met, students over the age of 21 and not otherwise lawfully barred from the use of alcohol, may possess or consume beer or wine only within the privacy of their residential housing unit provided no persons under the legal drinking age are present and students conform to the Student Code of Conduct. Open containers of alcohol are prohibited in any common areas in and around residential housing. Students of legal drinking age on a College sponsored trip may consume alcohol subject to the rules regarding intoxication in the Student Code of Conduct.
5. Students should be aware that the ability to possess and consume alcohol on CCSNH property is a privilege and that alcohol must be used responsibly. Primary responsibility for knowing and abiding by the provisions of components of the CCSNH Alcohol Policy and all relevant laws rests with each individual. Failure to abide by the terms of this Alcohol Policy and/or all provisions of the Student Code of Conduct, including rules regarding intoxication, may result in disciplinary action under CCSNH and College Judicial Policy. Guests of legal drinking age who consume alcohol on CCSNH property are the responsibility of the College resident inviting them and the guests behavior or violations will become those of the resident and subject to the Student Code of Conduct. Guests may be subject to removal from campus if intoxicated or if behaving in a manner that would constitute a disruption. At any time, as determined by the amount of noise, numbers of people and traffic patterns, the CCSNH Colleges reserve the right to suspend the ability to possess or consume alcohol within any given area.
6. No person may sell, furnish or give alcohol to any person under the legal drinking age or to anyone who is visibly intoxicated, even if that person is over the age of 21.
7. Alcoholic beverages will not be permitted at student organization sponsored events without approval from the President. Requests for approval must be made in writing at least 45 days prior to the event. Those who grant approval for alcohol consumption must keep a written record of all such approval.
8. Food and non-alcoholic drinks must be available at all functions involving the distribution of alcoholic beverages
9. No purchase of alcoholic beverages is allowed from any student funds under the jurisdiction of the CCSNH Board of Trustees. All events at which alcohol is served must comply with the CCSNH Alcohol Policy: College Facilities, including but not limited to the requirement that a third party licensed vendor be retained for serving alcohol.

## 730.03 Drugs and Narcotics

*Date Approved: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Date Effective: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

The use, possession or distribution of unprescribed drugs and narcotics, including marijuana, by students is not allowed on campus and will result in suspension or dismissal from the college. Any college student trafficking in drugs shall be subject to civil action. The policy of the college will be to cooperate fully with law enforcement officials in the proper exercise of their duty. This policy is based on Federal and State of New Hampshire laws pertaining to the use of drugs.

## 730.04 Sex Discrimination, Sex-Based Harassment, Sexual Misconduct, and Retaliation Policy (Formerly: Title IX Policy and Sexual

Harassment Formal Grievance Procedures)

*Date Approved: 3/18/2008*

*Date Effective: 8/1/2024*

*Date of last Amendment: 7/23/2024*

*Approved by: Mark Rubinstein, Chancellor*

### Policy Applicability, Scope, & Jurisdiction

This policy applies to all faculty, staff, other employees, students, & organizations receiving Community College System of New Hampshire (CCSNH) funding or use of the CCSNH school names.

An individual who believes they have experienced conduct that violates this policy is encouraged to file a complaint with the Title IX office. Title IX complaints will operate independently from any additional criminal proceedings. College procedures and sanctions can be implemented regardless of criminal charges that are initiated or substantiated.

This policy applies to all CCSNH education programs and activities (including locations, events, or circumstances in which CCSNH exercises substantial control over the respondent and the context of the conduct). A complainant does not have to be a member of the CCSNH community to file a complaint at the discretion of the Title IX Coordinator.

This policy may also be applicable to off campus misconduct that deprives someone of access to CCSNH educational programs or activities. CCSNH may also extend jurisdiction to off campus and/or online conduct if the Title IX Coordinator determines the conduct affects a substantial College interest. Regardless of where the conduct occurred, the College will review complaints to determine if it occurred in the context of its programs and if there are continuing effects on/off campus during sponsored programs/activities.

Substantial College interest includes:

- a. Any action that constitutes a criminal offense as defined by law, including but not limited to, single or repeat violations of local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly infringes on the rights, property, or achievements of oneself/others, breaches the peace, or causes social disorder;
- d. Any situation that is detrimental to the educational interests or mission of CCSNH.

If the Respondent is unknown or not a member of the CCSNH community, the Title IX Coordinator will assist the Complainant in connecting with campus and local resources as

well as discuss support options. All vendors serving CCSNH through third party contracts are subject to the policies and procedures of their employers. When a party is participating in dual enrollment or an early college program, the College will coordinate with the party's home institution to determine jurisdiction and coordinate supportive measures.

This policy is only applicable to alleged incidents that occur after August 1st, 2024. For alleged incidents prior to August 1st, 2024, the policy and procedures in place at the time of the alleged incident will apply. Applicable versions of those policies and procedures can be requested from the Title IX Coordinator.

## Policy Statement and Purpose

### **STATEMENT OF INSTITUTIONAL PHILOSOPHY**

CCSNH and its Colleges are committed to creating and maintaining a positive and productive work environment free of sex discrimination, sex-based harassment, sexual misconduct, and retaliation. CCSNH prohibits sex discrimination, sex-based harassment, sexual misconduct, and retaliation as defined in this policy. It is the intention of CCSNH to take prompt action to prevent the reoccurrence of behaviors that violate this policy.

### **NOTICE OF NON-DISCRIMINATION**

CCSNH and its Colleges, in compliance with Title IX of the Civil Rights Act of 1964, Title IX of the Education amendment of 1972, and Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of race, religion, color, national origin, age, sex, or physical handicap in any policies, practices, and procedures.

### **IMPARTIALITY AND CONFLICT OF INTEREST**

The Title IX Staff shall act with impartiality and be free from bias/conflicts of interest. The members of the Title IX team are vetted and trained to ensure they are unbiased towards all parties.

To raise any concern regarding perceived bias or conflict of interest by the College Title IX Coordinator, contact the CCSNH Title IX Coordinator or the CCSNH Director of Internal Audit.

Complaints may also be made to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

## Definitions

**Complainant** is an individual who believes they have been subjected to sex discrimination, sex-based harassment, sexual misconduct or retaliation or who is believed by another to have been subjected to such conduct, who was participating or attempting to participate in the Colleges education program or activity at the time of the alleged misconduct. This term will

be used throughout the policy whether or not an individual chooses to file a complaint or participate in an investigation/resolution process.

**Days** are considered college business days for the purpose of this policy. Weekends and college holidays are not considered business days. College holidays can be found on the academic calendar.

**Formal Complaint** is a document filed orally, physically, or electronically by a Complainant or signed by the Title IX Coordinator alleging that a Respondent has violated this policy and/or engaged in retaliation for engaging in a protected activity, and requests the College to investigate the allegations.

**Hearing Facilitator** is a member of the Title IX Team who facilitates hearings under the formal resolutions process. This includes reviewing hearing procedures with parties and their advisors at the beginning of the hearing, managing online meeting rooms, and otherwise assisting with the logistics/coordination of the hearing.

**Mandatory Reporter** is an employee of CCSNH who is obligated by policy to share knowledge, notice, and/or reports of sex discrimination, sex-based harassment, sexual misconduct, and retaliation with the Title IX Coordinator.<sup>1</sup>

**Parties** include the complainant(s) and respondent(s), collectively.

**Pregnancy or Related Conditions** includes pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.

**Programs and Activities** include a location, event, or circumstances where the College exercises substantial control over both the Respondent and the context in which the conduct occurs or in a building owned or controlled by a student organization recognized by the College.

**Reporter** is an individual who notifies the Title IX office of potential sex discrimination, sex-based harassment, sexual misconduct, or retaliation. The reporter does not have to be the affected party or be involved in the incident to file a report.

**Respondent** is an individual alleged to have violated this policy.

**Third Party Report** is when someone who is not a mandatory reporter but who has information regarding someone else who may have experienced sex discrimination, sex-based harassment, sexual misconduct, or retaliation reports that information. To make a third-party report, the individual should contact a member of the Title IX office or submit a Title IX reporting form. Upon receipt of that information, Title IX staff will make a preliminary inquiry, which may include contacting the alleged victim, to determine whether further action is warranted.

**Title IX Coordinator** is the administrator who is identified and authorized as the College

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<sup>1</sup> Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of persons with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandatory reporter responsibility under this policy.

employee with the primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator and/or deputy are available to meet with students and employees regarding these issues as needed. The Title IX Coordinator may delegate duties as necessary or appropriate. Therefore, any reference regarding duties to be performed under this policy should be read to also include the Title IX Coordinators "designee" as appropriate.

Holley Dupre, CCSNH Title IX Coordinator  
[hdupre@ccsnh.edu](mailto:hdupre@ccsnh.edu)  
603-230-3595

**Title IX Team** is comprised of decision makers, appellate decision makers, deputy Title IX Coordinators, and investigators. These members are selected by the Title IX Coordinator in consultation with the CCSNH Title IX Coordinator. The Title IX team is trained annually and the training materials are available upon request.

**Prohibited Conduct** under the purview of this policy includes the following<sup>2</sup>:

- A. Sex Discrimination:** Different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived sex.
  - a. Disparate Treatment Discrimination:** Any intentional differential treatment of a person or persons that is based on a person's actual or perceived sex and that:
    - i. Excludes a person from participation in;
    - ii. Denies a person benefits of; or
    - iii. Otherwise adversely affects a term of condition of a person's participation in a College program or activity.
  - b. Disparate Impact Discrimination:** Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in disproportionate impact on the basis of sex that:
    - i. Excluded a person from participation in;
    - ii. Denies a person benefits of; or
    - iii. Otherwise adversely affects a term of condition of a person's participation in a College program or activity.

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<sup>2</sup> The definitions of dating violence, domestic violence, sexual assault, and stalking used in this policy are consistent with the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act (Clery Act). On June 10, 2024, the Department of Education Office for Civil Rights Program Legal Group responded to an inquiry about the inconsistencies between the 2024 Title IX regulatory definitions and the Clery Act regulatory definitions for sexual assault, dating violence, domestic violence, and stalking. The response stated in part "OCR...advises that to prevent unnecessary confusion and for ease of use, recipients that must comply with Title IX and the Clery Act can use the definitions in the Clery Act regulations for these purposes." The College makes decisions regarding responsibility for policy violations through its own procedures and standards of proof (preponderance of evidence standard), not through the definitions, procedures, or standards of proof used by the criminal justice system.

- B. Sex-Based Harassment:** A form of sex discrimination and sexual harassment and other harassment on the basis of sex<sup>3</sup>, including sex stereotypes, sex characteristics, pregnancy, or related conditions, sexual orientation, and gender identity, sexual assault, dating violence, domestic violence, and stalking.
1. **Quid Pro Quo:** An employee agent or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct
  2. **Hostile Environment Harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity.<sup>4</sup>
  3. **Sexual Assault:** Conduct defined as follows by the FBI NIBRS program definitions:
    - a. **Rape**<sup>5</sup>
      - i. The carnal knowledge of a person (i.e. penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that females or males could be Complainants under this definition);
      - ii. Oral or anal sexual intercourse (i.e. penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
      - iii. To use an object or instrument (i.e. an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
    - b. **Fondling:** The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for the purpose of this definition, "private body parts" include breasts, buttocks, or genitals whether clothed or unclothed).
    - c. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by New Hampshire law.

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<sup>3</sup> "On the basis of sex" means conduct that is sexual in nature or directed at the complainant because of their actual or perceived sex or gender identity.

<sup>4</sup> The College reserves the right to address offensive conduct and/or harassment that does not rise to the level of creating a hostile environment or that is of a generic nature and not prohibited by law. Addressing such conduct will not result in the imposition of discipline under this policy, but may be addressed through educational conversations, remedial actions, education, and/or informal resolution mechanisms.

<sup>5</sup> Both completed rape and attempted rape are prohibited by this policy.

- d. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent (In NH, the age is 16, refer to applicable statutes for further details).
4. **Dating Violence:** Violence<sup>6</sup> on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length/type of relationship and the frequency of interaction between the persons involved in the relationship.
    1. Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse.
    2. Dating violence does not include acts covered under the definition of domestic violence.
5. **Domestic Violence**<sup>7</sup>: Felony or misdemeanor crimes committed on the basis of sex committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is or has been cohabitating with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse under the domestic or family violence laws of the state of New Hampshire, or by any other person against an adult or youth Complainant who is protected from that person's acts under domestic or family violence laws of the state of New Hampshire.
6. **Stalking:** Engaging in a course of conduct<sup>8</sup> on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition, course of conduct means two or more acts including but not limited to acts in which the Respondent directly, indirectly, or through third parties by any action, method, device, or other means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

**Sexual Misconduct** is defined under NH RSA 188-H as all forms of sexual harassment under

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<sup>6</sup> For the purposes of this policy, violence is defined as intentionally or recklessly causing physical, emotional, or psychological harm. Legitimate use of violence in self-defense is not chargeable under this policy if the purpose is safety, not harm. Consensual use of violence, such as in kink relationships, would also not meet this definition, in most circumstances.

<sup>7</sup> To categorize an incident as domestic violence, the relationship between the Respondent and Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

<sup>8</sup> For the purposes of this definition, a 'course of conduct' requires more than one incident and conduct directed at a specific person. Merely annoying conduct, even if repeated, may be a nuisance but is not typically chargeable as stalking.

Title IX, Title VII or State law and any other incident of sexual violence, gender-based violence, or violence based on sexual orientation or gender identity or expression.

- A. **Sexual Exploitation** is an individual taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited that does not constitute sex-based harassment as defined above. Examples of behavior that could constitute sexual exploitation include but are not limited to the following:
- a. Recording or capturing through any means images (i.e. video, photography) or audio of another person's sexual activity, intimate body parts, or nudity without that person's knowledge and consent;
  - b. Distributing or sharing images (i.e. video, photography) or audio of another person's sexual activity, intimate body parts, or nudity without that person's consent;
  - c. Viewing or allowing others to view another person's sexual activity, intimate body parts, or nudity in a place where that person would have a reasonable expectation of privacy without that person's consent;
  - d. Engaging in sex trafficking and/or prostituting another person;
  - e. Knowingly making an unwelcome disclosure or threatening to disclose an individual's sexual orientation, gender identity, or gender expression;
  - f. Engaging in sexual behavior with knowledge of an illness or disease (HIV or STI) that could be transmitted by the behavior without disclosing that to the other person prior to sexual relations;
  - g. Causing or attempting to cause the incapacitation of another person through alcohol, drugs or other means for the purpose of compromising that person's ability to give consent to sexual activity or to make that person vulnerable to non-sexual activity;
  - h. Misappropriation of another person's identity online or in-person situations designed for dating and/or sexual connections;
  - i. Creating and/or disseminating synthetic images (i.e. video, photography) or audio of an individual's sexual activity, intimate body parts, or nudity without that person's consent.
- B. **Retaliation** is intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, informal resolution, proceeding, or hearing regarding prohibited conduct. Retaliation is strictly prohibited.

Intimidation, threats, coercion, or discrimination including charges against an individual for code of conduct violations that do not involve sex discrimination, sex-based harassment, or sexual misconduct but arise out of the same facts/circumstances as a sex discrimination, sex-based harassment, or sexual misconduct report or formal complaint for the purpose of interfering with any right or privilege secured by Title IX



or its implementing regulations constitutes retaliation. This includes any adverse action taken against a person because they made a good faith report of prohibited conduct or participated in any proceeding under this policy.

Retaliation may include intimidation, threats, coercion, harassment, or adverse employment or educational actions that would discourage a reasonable person from engaging in activities protected under this policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith during a grievance process under this policy does not constitute prohibited retaliation, provided however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith. The College will not engage in and will investigate/address reports of retaliatory conduct. The exercise of rights protected under the First Amendment does not constitute retaliation.

Any person who believes they have been subjected to retaliation should report their concerns to the Title IX Coordinator. Such reports will be handled under the process outlined below. Retaliation under this policy may be found whether or not the underlying complaint is ultimately found to have merit.

- C. **Unauthorized Disclosure**<sup>9</sup> is distributing or otherwise publicizing materials created or produced during an investigation or resolution process except as required by law or as expressly permitted by the College or publicly disclosing a party's personally identifiable information without authorization or consent.

### **Consent**<sup>10</sup>

Consent for sexual activity is a clear indication, either through verbal or physical actions, that parties are willing and active participants in said sexual activity. Such authorization must be made free of force, threat, intimidation or coercion and must be given actively and knowingly in a state of mind that is conscious, rational, and not compromised by alcohol or drug incapacitation. Only a person of legal age can consent.

Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to sexual activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Going beyond boundaries of consent is prohibited. Engaging in activities such as slapping, hitting, hair pulling, strangulations, or other physical roughness without obtaining consent may constitute dating violence or sexual

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<sup>9</sup> This does not restrict either party from obtaining and presenting evidence or restrict them from speaking to witnesses (as long as it does not constitute retaliation under this policy), consult with their family members, confidential resources or advisors, or otherwise prepare for or participate in the resolution process.

<sup>10</sup> As included for Clery/VAWA Sec. 304 compliance purposes, the NH state definition of consent, which is applicable to criminal prosecutions for sex offenses, may differ from the definition used by the College to address policy violations.

assault<sup>11</sup>.

Incapacitation due to alcohol or drugs is where an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (understanding the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if they're asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person, but warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

In evaluating whether a lack of consent due to incapacitation is present, the College will use the objective standard of whether the respondent knew or whether a sober, reasonable person in the respondent's position should have known based on the reasonably apparent indications of incapacitation that the other person was incapacitated.

Coercion is unreasonable pressure for sexual activity when someone makes it clear they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction and the continued pressure is sufficiently severe. Coercion is evaluated based on frequency, intensity, isolation, and duration of the pressure involved.

Consent must still be attained even if:

- i. The Respondent is someone known by the Complainant.
- ii. The individuals have engaged in consensual sexual activity with each other previously.
- iii. Either or both individuals are under the influence of alcohol or drugs.
- iv. There was no weapon involved.
- v. There was no evidence of a struggle or resistance.
- vi. There are no other witnesses.

### **Online Sexual Harassment and/or Retaliation**

These policies are written and interpreted to include online manifestations of any of the prohibited behaviors listed above when those behaviors occur in or have an effect on the complainant's education program and activities or when they use the College's network, technology, or equipment. The College does not and cannot control websites, social media, or other venues through which harassing communication can occur but will respond to such reports and engage in a variety of means to address/mitigate the effects.

Any online posting or other electronic communication by students including cyber-bullying, cyber-stalking, or cyber harassment occurring completely outside of the College's control (not on College network, websites, or between school email accounts) will only be subject to

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<sup>11</sup> Consent in the context of the relationship is considered. When parties consent to certain forms of kink, non-consent may be shown using a safe word. Resistance, force, violence, or even saying "no" may be part of the kink and may be consensual. The totality of the circumstances will be evaluated.

this policy when such online conduct can be shown to cause a substantial in-program disruption. This policy is not intended to infringe upon or limit a person's right to free speech. Supportive measures for complainants can be provided, but legally protected speech cannot be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the College only when such speech is made in an employee's official or work-related capacity.

### **Inclusion Related to Gender Identity/Expression**

CCSNH strives to ensure that all individuals are safe, included, and respected in their work and learning environments regardless of their gender identity or expression. This includes intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees. Discrimination and harassment on the basis of gender identity or expression is not tolerated by CCSNH. If a member of the community believes they have been subjected to discrimination under this policy, they should follow the reporting steps outlined below. In upholding the principles of equity and inclusion, CCSNH supports the full integration and healthy development of those who are transgender, transitioning, nonbinary, or gender-diverse and seek to eliminate any stigma related to gender identity and expression. CCSNH is committed to fostering a climate where all identities are valued, which contributes to a more vibrant and diverse community. As our societies understanding of gender evolves, so do CCSNH processes and policies.

Misgendering or mispronouncing is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Unintentional misgendering can often be resolved with an apology if someone clarifies their pronouns. Intentional misgendering is inconsistent with the type of community CCSNH upholds and may constitute a policy violation if the effect is greater than *de minimis* harm.

Deadnaming can be harmful to a person who is transgender, transitioning, nonbinary, or gender-diverse. This is using someone's birth assigned name rather than the name they have chosen for themselves. Unintentional deadnaming can also often be resolved with an apology and an effort to use the person's chosen name. Intentional deadnaming could be a form of harassment.

This policy should be interpreted to be consistent with the goals of maximizing inclusion of students and employees. This includes maintaining the privacy of all individuals consistent with the law and ensuring students and employees have equal access to all educational programs, activities, and facilities, including restrooms and locker rooms. When conflicts arise between the rights of those in our community to be free from gender identity discrimination and those exercising their right to religious freedom, the College will try to balance rights and interests to find mutually agreeable outcomes/compromises. When that is not possible, the College will offer solutions or enforce policy as needed.

## Procedures

### **1. CONTACT INFORMATION**

Anyone may seek advice, information, or guidance on sex discrimination, sex-based harassment, and sexual misconduct by contacting the Title IX Coordinator:

Holley Dupre, CCSNH Title IX Coordinator  
[hdupre@ccsnh.edu](mailto:hdupre@ccsnh.edu)  
603-230-3595

## **2. IMMEDIATE RESPONSES TO SEX DISCRIMINATION, SEX-BASED HARASSMENT, AND SEXUAL MISCONDUCT COVERED BY THIS POLICY**

The College recognizes that complainants can choose whether or not they wish to make a report of misconduct covered by this policy. There may be circumstances where the College decides to proceed with an investigation or disciplinary action when deemed necessary, despite the wishes of the Complainant.

Once an incident or complaint of sex discrimination, sex-based harassment, or sexual misconduct retaliation is reported to the Title IX Coordinator, they will inform the complainant of the options of criminal prosecution, medical assistance, the use of this policy to file a complaint or report, and other information detailed below.

The Title IX Coordinator, public safety, and/or other College personnel will assist the complainant with these contacts if requested. In addition, confidential counseling, support services, academic assistance, and alternative housing (for students if applicable) can be coordinated as appropriate through the Title IX Coordinator.

The College recognizes that making the decision to report often takes time. Nevertheless, pending the decision to report, students are strongly encouraged to take immediate steps to preserve all evidence that might support a future report. Such steps may include:

- i. Obtaining a forensic sexual assault examination (before 120 hours or as soon as possible)
- ii. Preserving any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags)
- iii. Preserving any related electronic communications (text messages, emails, Facebook, Instagram, Snapchat, TikTok, or other social media posts to the extent that they can be captured/preserved)
- iv. Preserving any photographs (including stored on smartphones or other devices)
- v. Preserving any voicemail messages and other physical, documentary, and/or electronic data that might be helpful or relevant in an investigation

Contact information for immediate response resources include the following:

### **PUBLIC SAFETY CONTACT INFO:**

Campus Safety  
31 College Drive  
Concord, NH 03301  
[NHTIcampussafety@ccsnh.edu](mailto:NHTIcampussafety@ccsnh.edu)  
603-230-4042 (Daytime)  
603-224-3287 (Nights/Weekends/Emergencies)

### **TITLE IX COORDINATOR CONTACT INFO:**

Holley Dupre, CCSNH Title IX Coordinator  
[hdupre@ccsnh.edu](mailto:hdupre@ccsnh.edu)

LOCAL HOSPITAL CONTACT INFO:

Concord Hospital 250 Pleasant St. Concord, NH 603-225-2711

LOCAL DV/SV AGENCY CONTACT INFO:

Crisis Center of Central New Hampshire 603-225-7376 Non-Emergency Contact 1-866-841-6229 Emergency Contact info@cccnh.org <https://cccnh.org/>

LOCAL PD CONTACT INFO:

State of New Hampshire Police Headquarters  
33 Hazen Drive  
Concord, NH 03301  
603-271-3636 or 603-273-4381

### **3. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE**

#### **A. Emergency Removal in Title IX Cases**

The College can act to remove a respondent entirely or partially from its educational program or activities (including College employment) on an emergency basis when an individualized violence risk assessment has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. See violence risk assessment section of policy.

The CCSNH Director of Risk Management will review requests for an emergency removal from the Title IX Coordinator as well as review the completed violence risk assessment to make a determination under this policy to implement or stay an emergency removal and to determine the conditions/duration of said emergency removal. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

In all cases in which an emergency removal is imposed, the respondent will be given notice of the action and the option to request to meet (in person or virtually) with the CCSNH Director of Risk Management as soon thereafter as reasonably possible to show why the order of removal should be revoked/modified. This meeting is not a hearing on the merits of the reported allegations. If this meeting is not requested within 48 hours of issuance of a decision, objections to the emergency removal will be deemed waived. A respondent can later request a meeting to show why they are no longer an imminent and/or serious threat because conditions have changed. A complainant and their advisor may participate in this meeting if the Title IX Coordinator determines it may be equitable to do so. Either party may provide information, including expert reports, witness statements, or other communications for consideration. The CCSNH Director of Risk Management will communicate a final decision in writing within three (3) business days of either of these meetings.

A respondent may be accompanied by an advisor of their choice when meeting with the CCSNH Director of Risk Management. The respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

At the discretion of the Title IX Coordinator and when deemed appropriate, alternative coursework options may be pursued to promote a respondent's access to College academic programs.

The Title IX Coordinator may determine emergency actions outside of removal, including but not limited to, removing a student from a residence hall, restricting student access to or use of facilities or equipment, allowing a student to withdraw or take an incomplete without financial penalty, dismissing or suspending a student from extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

The Title IX Coordinator may also recommend actions such as temporarily re-assigning an employee and/or restricting employee access to or use of facilities/equipment to the CCSNH Director of Human Resource who will present to the College President and/or CCSNH Chancellor to decide on.

### **B. Suspension or Administrative Leave in Title IX Cases**

The College always maintains the discretion to place an employee respondent on suspension or administrative leave during the pendency of an investigation and resolution process as outlined below. The Title IX Coordinator may recommend this action to the CCSNH Director of Human Resources who will present to the College President and/or CCSNH Chancellor to decide on.

The College may place student-employee respondents on administrative leave from their employment during the pendency of an investigation and resolution process where deemed appropriate as a supportive measure and under circumstances where it would not unreasonably burden the student-employee respondent. Any such decision shall be made in compliance with any applicable disability laws, including the Americans with Disabilities Act and the NH Law Against Discrimination.

## **4. REPORTING OPTIONS**

CCSNH encourages individuals to report incidents covered under this policy so that they can get the support they need and the College can respond appropriately while maintaining a safe and secure campus. Although strict confidentiality may not be guaranteed, in all cases the College will handle information in a sensitive manner and will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to respond to reports of sex discrimination, sex-based harassment, or sexual misconduct.

This section is intended to inform students, faculty, staff, and covered third parties of the confidential and non-confidential reporting avenues available so that they can make informed choices about where to go for assistance. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination/harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a complainant has requested the information be shared.

If a complainant expects formal action in response to their allegations, reporting to any non-confidential resource can connect them with the appropriate resources. These mandatory reporters will promptly pass reports to the Title IX Coordinator (and/or police if desired by complainant), who will take action as provided in this policy.

## A. Confidential Resources and Confidentiality

If an individual would like to confidentially report an alleged violation of this policy, they should contact a confidential resource. A confidential resource is an individual who is legally and ethically bound to keep confidential all information shared with them on the course of providing counsel and support, except under the circumstances noted below.

In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional, religious advisor, or trained sexual assault advocate. The medical, mental health, and religious professionals (individuals acting in their religious professional capacity through a College office) at the College respect and protect confidential communications from students faculty, and staff to the extent they are legally able to do so. These professionals may have to breach confidence when they perceive a serious risk of danger or threat to any person or property. In addition, medical and mental health professionals may be required by law to report certain crimes (such as allegations of sexual and/or physical abuse of any person under 18).

An individual who speaks to a confidential resource must understand that if they want to maintain complete confidentiality, the College will be unable to investigate the particular incident or pursue disciplinary action against the alleged perpetrator. However, confidential resources may assist the individual in receiving supportive measures or other forms of protection and support such as victim advocacy, academic accommodations, disability, health, or mental health services, and changes to living, working, or transportation arrangements.

Crisis Center of Central New Hampshire 603-225-7376 Non-Emergency Contact 1-866-841-6229 Emergency Contact [info@cccnh.org](mailto:info@cccnh.org) <https://cccnh.org/>

**Campus Resource Advisors:** New Hampshire State law §188-H:7 permits CCSNH to establish confidential resource advisors. These are privileged individuals designated by the College that are not required to notify the College Title IX Coordinator or a law enforcement agency when they learn about potential incidents of sexual misconduct. Confidential resource advisors receive training in the awareness and prevention of sexual misconduct and trauma-informed response. The designated confidential resource advisor for The Systems Office is:

Crisis Center of Central New Hampshire 603-225-7376 Non-Emergency Contact 1-866-841-6229 Emergency Contact [info@cccnh.org](mailto:info@cccnh.org) <https://cccnh.org/>

April 2024 Title IX regulations contemplate that certain information will generally be treated as confidential except as qualified by statements in those regulations. For example, the regulations provide that colleges must maintain as confidential any supportive measure provided to complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the institutions to provide the supportive measures. The regulations also provide that colleges must

keep confidential the identity of any individual who has made a report or complaint of sex discrimination, sex-based harassment, or sexual misconduct including any individual who has made a report or filed a formal complaint, any individual who has reported to be the perpetrator, and any witness except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. 1232g, or FERPA regulations 34 CFR part 99, or required by law, or to carry out the purposes of Title IX regulations including conducting any investigation, hearing or judicial proceeding arising under those regulations.

## **B. Reporting and Non-Confidential Resources**

Individuals seeking to report incidents of sex discrimination, sex-based harassment, or sexual misconduct to the College may do so using any of the following options:

- 1.) **Utilizing the online reporting form** which can be found at [https://cm.maxient.com/reportingform.php?CCSNHNewHampshire&layout\\_id=1](https://cm.maxient.com/reportingform.php?CCSNHNewHampshire&layout_id=1)  
Reporting via this online form allows the College to reach out to the reporter and/or complainant to request further information, offer supportive measures, and provide information about resolution options. This does not oblige a complainant to participate in a resolution process. CCSNH strives to respect a complainant's wishes regarding the pursuit of formal resolution procedures unless there appears to be a compelling threat to their or the community's health and/or safety. The complainant is largely in control and should not fear loss of privacy by making a report that allows the College to discuss the matter with them and provide supportive measures. If an online reporting form is completed anonymously with no identifying information for the complainant, the College's ability to offer supportive measures, appropriately investigate the incident, and/or pursue disciplinary action against the alleged may be limited.
- 2.) **Report, give verbal notice of formal complaint, or file a formal complaint with the Title IX Coordinator.** Such a report may be made at any time (including non-business hours) by using the telephone number, email address, or mailing address listed for the Title IX Coordinator or any other listed official. Directly contact the Title IX Coordinator at the following contact information:  
Holley Dupre, CCSNH Title IX Coordinator  
[hdupre@ccsnh.edu](mailto:hdupre@ccsnh.edu)  
603-230-3595
- 3.) **Reporting to a mandatory reporter:** all CCSNH employees are deemed mandatory reporters for purposes of this policy. Mandatory reporters include any administrator, supervisor, and faculty member who does not have a statutory privilege of confidentiality by law or who has not otherwise been designated as a confidential resource advisor. Mandatory reporters who learn of an incident of sex discrimination, sex-based harassment, or sexual misconduct involving a student or employee are required to report that information to the Title IX Coordinator as soon as possible. Information reported to a mandatory reporter will be shared with others only to the extent necessary to respond to the situation and support the parties and in accordance with state/federal law. Mandatory reporters who



themselves are a target misconduct under this policy are not required to report their own experience, though encouraged to do so. If a Mandatory reporter fails to comply/report an incident or interferes with an investigation, that employee may be subject to disciplinary action. General inquiries to mandatory reporters about policies and procedures and conversations where the alleged perpetrator is not named or implied from the circumstances would not constitute reports for the purpose of this policy. These types of inquiries should nonetheless be referred to the Title IX Coordinator.

**Time Limits on Reporting:** There is no time limitation on reporting or providing notice/complaints to the College. However, if the respondent is no longer subject to the College's jurisdiction or if significant time has passed, the ability to investigate, respond, and/or provide remedies may be limited.

### **C. When a Complainant Does Not Wish to Proceed and Requests Confidentiality**

If an individual discloses an incident of sex discrimination, sex-based harassment, or sexual misconduct to a mandatory reporter but does not wish for their information to be shared, does not wish for an investigation, or does not wish for a formal complaint to be pursued, the Title IX Coordinator will make every effort to respect this request and will evaluate the request against the College's responsibility to provide a safe, non-discriminatory environment for all students, faculty, and staff, including the complainant. The College designates its Title IX Coordinator as the individual responsible for evaluating confidentiality requests with the ability to consult as necessary with other College officials such as public safety or other threat assessment officials. As previously noted, there are times the College may not be able to honor this type of request.

If a confidentiality request is honored, the College's ability to appropriately investigate the incident and pursue disciplinary action against the alleged may be limited. The College's decision could, for example, be based on results of a violence risk assessment that indicates there appears to be a compelling risk to health and/or safety and requires the College to pursue formal action to protect the community. Factors that may be considered in determining whether confidentiality should be maintained may include but are not limited to:

- i. The increased risk that the alleged perpetrator will commit additional acts of prohibited conduct or other violence such as:
  1. Whether there have been other prohibited conduct complaints about the same alleged perpetrator;
  2. Whether the alleged perpetrator has a history of arrests or records from a prior institution indicating a history of violence;
  3. Whether the alleged prohibited conduct was allegedly committed by multiple alleged perpetrators;
  4. Circumstances that suggest there is an increased risk of future acts of prohibited conduct.

- ii. Whether the alleged prohibited conduct was allegedly perpetrated or facilitated with a weapon; and
- iii. Whether the alleged victim is a minor.

The presence of one or more of these factors or other factors as deemed appropriate may prompt an investigation and adjudication under the College's policies and may result in disciplinary action. If none of these factors are present, the College will likely honor the individual's request for confidentiality. The College must also consider the effect that non-participation by the complainant may have on the availability of evidence and the College's ability to pursue a formal grievance process fairly and effectively.

If the College determines that they cannot maintain an individual's request for confidentiality, they will inform the reported complainant prior to conducting an investigation (unless extenuating circumstances are present). When the Title IX Coordinator signs a formal complaint, they do not become the complainant. The complainant is the individual who is alleged to be the victim of the conduct that would constitute a violation of this policy. CCSNH will not require the reported complainant to participate in any investigation or disciplinary proceeding. The complainant may have as much or as little involvement in the process as they wish. The complainant retains all rights of a complainant under this policy irrespective of their level of participation. The Title IX Coordinator will provide certain notices to the complainant regarding the status of the investigation as required by the 2024 Title IX regulations.

When responding to reports, if the College determines it is obligated to take any action that would involve disclosing a reporting individual and/or a complainant's identity to the respondent or take an action from which the reporting individual and/or complainant may be easily determined by the respondent, the individual and/or complainant will be informed before the action is taken unless extenuating circumstances are present. If the individual requests that the respondent be informed that they requested that there be no investigation or disciplinary action, the College will endeavor to honor this request and inform the respondent that the College made the decision to investigate this matter.

The College will offer supportive measures as described below when requested and reasonably available that are designed to prevent/address retaliation against individuals whose requests for confidentiality have not been honored and to respond to their needs for support, services, and accommodations. Note that the College's ability to remedy and respond to a report may be limited if the complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the complainant with as much control over the process as possible while balancing the College's obligation to protect its community.

If the College determines that it can respect the individual's request for confidentiality, the College will offer informal resolution options, supportive measures, and remedies to the complainant and the community to the extent possible where such measures

are requested and reasonably available. If the complainant initially requests that the College take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, the complainant has the right and can expect to have allegations taken seriously by the College and to have incidents investigated and properly resolved through these procedures.

#### **D. Disclosure During Internal Investigations and Adjudications and Unauthorized Disclosure of Information**

Consistent with 2024 Title IX regulations and required confidentiality provisions described above, the College will handle information related to alleged violations of this policy with sensitivity and discretion. However, the College may need to disclose information relating to an incident (including the identity of parties, witnesses, or others) to the extent necessary to conduct a fair, thorough, and impartial investigation and adjudication process for all involved parties.

Parties and advisors are prohibited from unauthorized disclosure of information obtained by the College through the resolution process to the extent that the information is the work product of the College (produced, compiled, or written by the College for the purposes of investigation and resolution of a complaint). It is also a violation of College policy to publicly disclose work product or a party's personally identifiable information without authorization or consent. Violation is subject to sanction.

#### **E. Timely Warnings and Disclosure Required by Law and Federal Statistical Reporting Obligations**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the College must issue timely warnings for incidents reported to them that pose a serious or ongoing threat to the campus community. The College will ensure that a complainant's name and other identifying information is not disclosed while still providing enough information for community members to make safety decisions in light of any serious or ongoing threat. Additionally, the College will not include the names of complainants, respondents, or other identifying information in publicly available reports that are compiled as required by the Clery Act.

Clery officers are also required to report all Violence Against Women Act enacted in 1994 and codified in part at 42 U.S.C. sections 13701 through 14040 crimes, which include sexual assault, domestic violence, dating violence, and stalking. All personally identifying information is kept private, but statistical information regarding types of incident and general locations (on or off campus) must be shared by the College with the campus Clery officer for publication in the annual security report.

#### **F. Disclosure to Law Enforcement**

In certain circumstances, the College may need to report an incident to law enforcement authorities. Such circumstances include, but are not limited to, incidents that warrant the undertaking of safety and security measures for the protection of the individual and/or campus community, situations in which there is a clear and imminent danger, and/or when a weapon may be involved. Complainants may choose to notify authorities directly with or without the College's assistance.

## **5. SUPPORTIVE MEASURES**

Students and employees seeking services and/or accommodations in connection with issues related to potential prohibited conduct (collectively "supportive measures") should direct their requests to a confidential resource or the Title IX Coordinator. Their request will be evaluated and responded to by the Title IX Coordinator or designee after consultation as needed with other College officials. As noted in the confidentiality section above, the College will maintain as confidential any supportive measures to the extent possible while allowing for implementation of such requests.

It is not necessary to file a formal complaint, participate in an adjudication process, or file a criminal complaint to request supportive measures from the College. Both parties may request and receive supportive measures which are non-disciplinary, non-punitive individualized services offered as appropriate, as available, and without fee or charge. Violations of certain supportive measures may be referred to the conduct office for processing.

Supportive measures may include but are not limited to:

1. Educational conversations which allow the Title IX Coordinator to address allegations with the respondent in a meeting to discuss concerning behavior and institutional policies/expectations. These are non-disciplinary and non-punitive. Respondents are not required to attend such meetings or compelled to provide any information if they attend. The Title IX Coordinator will update the complainant after the conversation is held and the complainant may be satisfied and choose to not pursue the report further or choose to file a formal complaint to initiate the resolution process. If the complainant is satisfied with the results of the educational conversation but the alleged behavior later persists, they may discuss with the Title IX Coordinator additional options and/or file a formal complaint to initiate the resolution process;
2. Mutual no contact orders restricting communications (not distance) between parties;
3. Campus no trespass orders;
4. Academic accommodations, including to not limited to, deadline extensions, excused absences, incompletes, course changes/late drops, or other arrangements as appropriate;
5. If applicable, residential accommodations including but not limited to, arranging for temporary housing assignments or new housing assignments as appropriate;
6. Changing transportation or work arrangements or providing other employment accommodations as appropriate;
7. Public safety campus escort services (as available) and safety planning steps;
8. Assistance in accessing support services including (as available) victim advocacy, academic support, counseling, disability, health or mental health services,

visa/immigration assistance, student financial aid services, and legal assistance both on and off campus as applicable;

9. Informing the individual of the right to report a crime to local law enforcement and/or seek orders of protection, restraining orders, or relief from abuse orders from courts in the United States or courts outside of the United States as applicable, and assisting with contacts. The College will also work with complainants and others as appropriate to respect such orders on premises that it owns or controls as necessary and appropriate.

Both parties are provided with a timely opportunity to seek modification or reversal of the Title IX Coordinator's decision to provide, deny, modify, or terminate supportive measures applicable to them. These requests must be made in writing to the Title IX Coordinator. The CCSNH Director of Internal Audit or other designee appointed by the Title IX Coordinator will assess these requests for inconsistencies with the definition of supportive measures in § 106.2 of the 2024 Title IX Regulations and determine if supportive measures need to be provided, denied, modified, or terminated. The College will also provide parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances change materially. The College will typically render decisions within seven (7) business days of receiving the written request. The decision will be provided in writing and provided to the impacted parties and Title IX Coordinator.

## **6. PURSUING A CRIMINAL COMPLAINT**

In addition to or instead of the College processes and procedures, any student, employee, or covered third party who wishes to report sex discrimination, sex-based harassment, or sexual misconduct under this policy has the option to pursue criminal charges with local, state, or federal law enforcement agencies. The College will offer and upon request provide assistance to students, employees, and covered third parties in contacting law enforcement agencies. These options are available regardless of whether an individual chooses to file a formal complaint with the College. Individuals have the option to notify such agencies with or without the assistance of the College.

In addition, individuals may also have the right to pursue orders of protection, restraining orders, and/or relief from abuse orders from the court system. The College will respect such orders to the extent applicable. In addition, the College can also impose mutual no contact orders on students, employees, and third parties over whom it has some measure of control.

The Title IX Coordinator may agree to a short delay in its launch of a formal investigation if requested by the complainant and law enforcement to allow for evidence collection in a criminal case. The College's processes are not otherwise altered by a concurrent criminal/civil investigation as they are separate processes.

## **7. MEDICAL CARE AND EVIDENCE PRESERVATION**

Any individual who may be experiencing or has experienced sex discrimination, sex-based harassment, or sexual misconduct is encouraged to immediately seek any necessary medical care and to seek help from appropriate College personnel, law enforcement, and/or medical personnel even if they are uncertain about whether to ultimately pursue a complaint, criminal charges, or seek a protective order. It is important for individuals to protect their own health and safety. Individuals are recommended to preserve all possible evidence in case they decide at some point to file a report of any nature. Therefore, if at all possible, individuals should refrain from changing clothes, showering or otherwise changing their physical state

after an incident until after consulting with medical and/or law enforcement about how to best preserve evidence.

## **8. OTHER POLICY VIOLATIONS**

If a report of sex discrimination, sex-based harassment, or sexual misconduct covered by this policy also involves a report of misconduct prohibited by other College policies, the other misconduct will be investigated to the extent that they are related to the allegations of misconduct prohibited by this policy. The College will determine at its discretion whether other policy violations allegedly committed in circumstances related to alleged prohibited conduct under this policy will be investigated and resolved in the Title IX investigation, which the College reserves the right to do, or will be addressed through separate procedures. Allegations of all misconduct that will be subject to investigation and adjudication in the procedures outlined in this policy will be included in the Notice of Allegations and Investigation sent out to all parties.

## **9. UNETHICAL RELATIONSHIPS**

There are inherent risks in any romantic or sexual relationship between persons in unequal positions, such as faculty member-student or supervisor-employee. Even when parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant policy violation still exists. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the College's goals and policies. However, for the personal protection of members of our community, relationships in which power differentials are inherent are generally discouraged. In instances of these relationships, consultations will be made to Human Resources to determine if any applicable policy has been violated.

## **10. AMNESTY**

The College's primary goal when responding to complaints involving students is safety, addressing the misconduct, and preventing it from recurring. A student should not hesitate to report due to a concern that the investigation process may indicate they were under the influence of alcohol or drugs at the time of the incident. Amnesty for violations of College policies on the personal use of alcohol and drugs will be provided to parties and witnesses engaged in the resolution process as long as they are acting in good faith. However, the College may provide purely educational options with no official disciplinary finding. Amnesty may not apply to more serious allegations such as physical abuse or drug distribution.

The College, at its discretion and in consultation with the CCSNH Director of Human Resources, may also offer employees amnesty from certain policy violations on a case-by-case basis.

Individuals should understand that the use of alcohol or drugs never makes them at fault for sex discrimination, sex-based harassment, or sexual misconduct, nor does it mitigate accountability for committing these prohibited behaviors against others.

## **11. RECORD KEEPING**

For a period of at least seven (7) years following the conclusion of a resolution process, the College will maintain records of:

1. Each sex discrimination, sex-based harassment, and retaliation resolution process documentation, including any final determination regarding responsibility or

- appeal, and any audio or audiovisual recordings or transcripts required under federal regulation;
2. Any disciplinary sanctions imposed on the respondent;
  3. Any supportive measures provided to the parties and any remedies provided to the complainant or the community designed to restore or preserve equal access to the College's education program or activity;
  4. Any appeal and the result;
  5. Any informal resolution and the result;
  6. All materials used to train members of the Title IX team, which will be available upon request;
  7. All materials used to train employees consistent with the requirements of the 2024 Title IX regulations.
  8. All records in compliance with NH:188H

Records are kept private/confidential in accordance with FERPA. All records are stored securely and electronically through Maxient software accessible only by the Title IX Coordinator, CCSNH Title IX Coordinator, the CCSNH Director of Risk Management, and the CCSNH Director of Internal Audit.

Student parties may request access to their Title IX file in writing to the Title IX Coordinator. The Title IX Coordinator will provide a copy within forty-five (45) days of the request with appropriate redactions of personally identifiable information of all other parties/witnesses.

## **12. ACCOMMODATIONS**

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process. Anyone needing such accommodations or support should contact the Title IX Coordinator who will work with the accessibility coordinator to review requests and determine which accommodations are appropriate/necessary for full process participation.

The College will also address reasonable requests for language services/interpreters, access assistance for the use of technology throughout the resolution process, and other supports deemed reasonable and necessary to facilitate participation in the resolution process.

## **13. PROVIDING FALSE INFORMATION**

Intentionally making a false report or providing false information in connection with a report, complaint investigation, or adjudication of a matter covered by this policy will not be tolerated. A complainant whose factual allegations are truthful to the best of the complainant's knowledge but are not found by the College's process to substantiate a violation of this policy is not false information within the meaning of these guidelines. Students found to have intentionally provided false information will be subject to an investigation through the College conduct office.

### **A. Counterclaims**

The College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. The College allows the filing of counterclaims but will assess the complaint for good faith. If what is alleged arises from the same set of facts as the original complaint, they may be investigated together at the discretion of the Title IX

Coordinator. The counterclaim may also be investigated separately if arising from a different set of facts, which may cause case delays.

#### **14. RIGHT TO AN ADVISOR**

All parties are entitled to an advisor of their choosing to guide and accompany them through all resolution processes. The advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise them that is available<sup>12</sup>. The College maintains a pool of (non-attorney) advisors who are available. A list of said advisors will be provided during the intake process. College officials are not required to serve as an advisor if they choose not to do so. Outside advisors can request to be trained by the College.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present including intake, interviews, hearings, and appeals. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney but the other party does not or cannot afford an attorney advisor, the College is not obligated to provide one. All advisors are subject to the same requirements whether they are attorneys or not.

Advisors are not permitted to speak for, represent, appear in lieu of, address any other party other than the one they are advising, or otherwise actively participate directly in a meeting, interview, or other proceeding unless given specific permission to do so. Parties are expected to ask and respond to questions on their own behalf throughout the resolution process. If a party requests to be fully represented by their attorney advisor, the College will comply at the discretion of the Title IX Coordinator.

Advisors may communicate with their advisee in a manner that is not disruptive to the meeting or proceeding at hand. For longer or more involved discussions, the party and their advisor should ask for breaks to allow for private conversation. Advisors may request to meet in advance of any interview or hearing with the Title IX Coordinator for the purpose of answering general questions they may have about the process.

Advisors are expected to refrain from interference with the investigation and resolution process. Any advisor who steps out of their role or causes a disruption will be warned that they are doing so. If the advisor continues to disrupt or otherwise fails to respect the limits of their role, the advisor will be asked to leave the meeting. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated.

Parties may wish to have the College share documentation and evidence related to the allegations with their advisors. Doing so may help the parties participate more meaningfully in the resolution process. The College provides a consent form that authorizes such sharing of documentation related to the allegations with their advisor of choice. Advisors are expected to maintain the privacy of records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College.

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<sup>12</sup> “Available” means a party cannot insist on an advisor who doesn’t have the inclination, time, or availability. The advisor cannot have institutionally conflicting roles. A party who chooses an advisor who is also a witness may anticipate that issues of potential bias could be explored by the decision maker.



Additionally, communication regarding the investigation and resolution process will be directed to the involved party and not the advisor except in circumstances in which the Title IX Coordinator has granted an exception for special circumstances. If a party requests that all communication be made through their attorney advisor instead of the party, the College will comply at the discretion of the Title IX Coordinator.

The College generally expects an advisor to adjust their schedule to allow them to attend meetings when planned but may change scheduled meetings to accommodate an advisors inability to attend as long as doing so does not cause an unreasonable delay. The College will make provisions to allow for alternative forms of meeting including telephone, video, & virtual meeting.

Parties may elect to change advisors during the process by providing timely notification to the Title IX Coordinator. A new release must be submitted and consent to share information with the previous advisor is assumed to be terminated.

## **15. INVESTIGATION AND RESOLUTION PROCESS**

When information about an incident of sex discrimination, sex-based harassment, and/or sexual misconduct is brought to the attention of Title IX staff, they will promptly contact the complainant to arrange an intake meeting. At a promptly scheduled meeting and/or through initial communications with the complainant, the Title IX Coordinator will discuss and/or communicate the availability of supportive measures and inform the complainant that supportive measures are available with or without filing a formal complaint. The Title IX Coordinator may be excused from carrying out their duties under this policy in the event of a conflict of interest or other legitimate reason. In the absence of the Title IX Coordinator, the Deputy Title IX Coordinator, CCSNH Title IX Coordinator, or other designee will serve as acting Title IX Coordinator for the purposes of the specific case.

**Standard of Proof:** The College operates with the presumption that the respondent is not responsible for the reported misconduct unless and until through the applicable resolution process the respondent is determined to be responsible for a policy violation by a preponderance of the evidence (whether it is more likely than not that the respondent is in violation of the alleged policy violation).

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with College policy.

### **A. Application to Employees**

This policy and below procedures apply only to employee complaints when the allegations fall within the jurisdiction of Title IX. When allegations involving an employee complainant fall outside Title IX jurisdiction, the complaint/report will be sent to the CCSNH Human Resources Director who will consult with the College President and/or CCSNH Chancellor.

When an employee of the College is a party or witness to an investigation and resolution through this policy and its procedures, the employee shall have the right to have a representative who shall act as a consultant present in all related

meetings. The Title IX Coordinator will coordinate with the CCSNH Director of Human Resources throughout the grievance process to ensure that any obligations under other applicable laws and regulations are met. Employees who are parties in Title IX matters will receive all (but no more than) the rights that such employees must be provided under the 2024 Title IX regulations, but all other aspects of their relationship with the College and the handling of the matter will be governed by otherwise applicable College employment practices and policies.

If the respondent is a student and an employee, the Title IX Coordinator will determine which procedures apply based upon the facts and circumstances, such as whether the respondent's status as a student or an employee predominates in context of the prohibited conduct. If a student-employee is found to have engaged in prohibited conduct, they may be subject to sanctions both in connection with their employment and in connection with their student status as appropriate under these and other applicable procedures.

## **B. Initial Meetings with Title IX Staff**

### **i. Complainant**

Within seven (7) days of receiving a report or formal complaint, the Title IX Coordinator will contact the complainant to schedule an intake meeting. During the intake meeting, the Title IX Coordinator will do the following as applicable:

- a. Discuss the policy and complainant's rights under the policy;
- b. Discuss local resources and on-campus resources, including but not limited to mental health services, health services, and victim advocacy;
- c. Discuss confidentiality standards;
- d. Discuss College policy on retaliation and the potential consequences;
- e. Consider possible supportive measures and determine if any need to be put into place, with or without the filing a complaint;
- f. Discuss the importance of preserving relevant evidence and/or documentation;
- g. Discuss potential resolution processes including informal and formal resolutions;
- h. Explain the steps in a formal grievance process;
- i. Explain the right to an advisor;
- j. Learn of the complainant's desire for a resolution.

### **ii. Respondent**

If the complainant or Title IX Coordinator submit a formal complaint<sup>13</sup>, the Title IX Coordinator will send the respondent a notice of allegations and

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<sup>13</sup> The Title IX Coordinator may facilitate conversations with the respondent without a formal complaint, such as with educational conversations.

investigation (NOAI) detailed below. Included in the email notification of the NOAI will be a meeting time with the Title IX Coordinator and the following information:

- a. Information about the College's formal and informal resolution processes;
- b. A statement of the allegations of behavior potentially constituting prohibited conduct, including sufficient detail. This includes the identity of the parties involved if known, the conduct alleged, and the date/location of alleged incident if known;
- c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- d. Notification that parties may have an advisor of their choice who may be but are not required to be an attorney;
- e. Notification of existing counseling, health, and mental health services available on campus and/or in the community;
- f. Notification that taking any retaliatory action (directly or through others) against any person because they are involved in the investigation is prohibited and will be considered a separate violation of College policy.

The complainant will also receive a copy of the NOAI. If during the course of an investigation the College decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known and issue an amended NOAI.

At the initial meeting with the respondent after sending the NOAI, the Title IX Coordinator will do the following as applicable:

- g. Discuss details of the complaint filed, including (if known) the name of the complainant, date, location, and nature of the alleged misconduct;
- h. Discuss respondents' rights under the policy;
- i. Discuss on and off campus resources;
- j. Discuss the policy and College procedures for resolution of the complaint;
- k. Explain the steps of a formal Title IX investigation;
- l. Explain the right to an advisor;
- m. Discuss confidentiality standards;
- n. Discuss College policy on retaliation and the potential consequences;
- o. Inform the respondent of any supportive measures that have been put in place with the complainant that directly affect the respondent and determine whether the respondent desires any supportive measures; and
- p. Learn of the respondent's willingness to engage in an informal resolution.

### **C. Violence Risk Assessment**

The Title IX Coordinator may determine that a violence risk assessment should be conducted as part of an initial assessment or otherwise in connection with a report, investigation, or resolution process. A violence risk assessment can aid in several determinations, including but not limited to:

1. Emergency removal of a respondent on the basis of an immediate threat to an individual and/or campus communities physical health/safety;
2. Whether the Title IX Coordinator should sign a formal complaint even if not requested by a complainant;
3. Whether reported circumstances may involve a pattern of prohibited conduct and/or climate-related issues;
4. Whether it is appropriate to try to resolve a complaint through informal resolution and what modality may be most successful and appropriate;
5. Whether a no-trespass order is needed.

The Title IX Coordinator will appoint a member of the College who has been trained to perform this assessment. A violence risk assessment completed by the College is not an evaluation for an involuntary behavioral health hospitalization or a psychological/mental health assessment. A violence risk assessment assesses the risk of actionable violence, often with a focus on targeted predatory escalations. CCSNH typically utilizes the NABITA training model and uses the SIVRA-35 structured interview for violence risk assessments.

### **D. Formal Complaints**

When a complainant requests an investigation, the Title IX Coordinator will promptly upon receipt (verbal or written) of a formal complaint:

1. Determine whether the conduct as alleged would, if proved, constitute sex discrimination, sex-based harassment and/or sexual misconduct as defined above;
2. Determine whether the conduct allegedly occurred in the College's educational program or activity or if the College has substantial interest;
3. Determine whether at the time the formal complaint was made if the complainant was participating or attempting to participate in a College program or activity.

If the alleged conduct in the formal complaint would, if proved, satisfy all above elements and is filed verbally, signed by a complainant, or signed by the Title IX Coordinator, it will be investigated and resolved through the procedures applicable to Title IX.

If some but not all of the conduct alleged in the complaint satisfies these elements and a formal complaint is received from a complainant or signed by the Title IX Coordinator, the College will address the entire matter through the procedures outlined in this policy, but may also, to promote efficiency, address other relevant alleged misconduct in mixed cases so that all related misconduct may be addressed through one investigation and resolution process.

### **E. Dismissal**

The College may dismiss a formal complaint or any allegations if at any time during the investigation or resolution process:

1. A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations;
2. The respondent is no longer enrolled at or employed by the College;
3. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination;
4. The College determines the conduct alleged in the complaint would not constitute a policy violation if proven true.

If a formal complaint is dismissed by the College under the circumstances described above, the College will simultaneously provide to both parties written notice (by electronic or other means) of the dismissal, the reasons for the dismissal, and notice of the parties opportunity to appeal such dismissal as outlined below. A complainant who decides to withdraw a complaint may later request to reinstate or refile their complaint. A decision maker can recommend dismissal to the Title IX Coordinator if they believe the grounds are met.

Complainants may appeal a dismissal of their complaint and respondents may also appeal if dismissal occurs after they have been made aware of the allegations. All dismissal appeals must be filed within three (3) business days of the notification of dismissal. The Title IX Coordinator will notify the parties of any filed appeals. If the complainant appeals but the respondent was not yet notified of the complaint, the Title IX Coordinator must then provide the respondent with a NOAI and then notify the respondent of the appeal with an opportunity to respond. Throughout the dismissal appeal process, the college will:

- i. Implement dismissal appeal procedures equally for the parties;
- ii. Assign a dismissal appeal decision maker who did not take part in the investigation of allegations or dismissal of the complaint;
- iii. Provide the parties a reasonable and equal opportunity to make a statement in support of or challenging the dismissal; and
- iv. Notify the parties of the result of the appeal and rationale for the result.

Grounds for dismissal appeals are limited to:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when dismissal was decided;
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against either or both parties that would change the outcome;
4. The dismissal was erroneously granted or denied.

Upon receipt of a written dismissal appeal, the Title IX Coordinator will share the appeal with the other party and provide three (3) business days for the other party to respond. The appeal should specify at least one of the grounds above and provide reasoning/supporting evidence for why the ground is met. At the conclusion of the response period, the Title IX Coordinator will notify the parties of the appointment of the dismissal appeal decision maker, then forward the appeal and responses to the dismissal appeal decision maker. If the request for appeal does not provide information that meets the grounds above, the request for appeal will be denied by the dismissal appeal decision maker. The parties, advisors, and Title IX Coordinator will be notified of this in writing with rationale. If the appeal grounds are met, then the dismissal appeal decision maker will notify the parties, advisors, and Title IX Coordinator in writing with rationale. The effect will be to reinstate the complaint.

Appeals will be confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The dismissal appeal decision maker has seven (7) business days to review and decide. Extensions can be granted at the discretion of the Title IX Coordinator and the parties will be notified. Dismissal Appeal decision makers may consult with the Title IX Coordinator on questions of procedure or rationale for clarification if needed. The Title IX Coordinator will document all such consultation.

#### **F. Withdrawal or Resignation before Complaint Resolution**

Should a student respondent decide not to participate in the resolution process, the process will proceed regardless of their participation. If a student respondent withdraws from the College or transfers to another CCSNH campus, the resolution process may continue or the Title IX Coordinator may exercise their discretion to dismiss the complaint. If the complaint is dismissed, the College will still provide reasonable supportive measures as necessary. If the student attempts to return, they may not do so until the complaint is resolved and any sanctions imposed are satisfied. If the student respondent takes a leave of absence for a specified period of time, the resolution process may continue remotely.

If an employee respondent chooses not to participate in the resolution process, the process will proceed regardless of their participation. If an employee leaves their employment with unresolved allegations, the resolution process may continue or the Title IX Coordinator in consultation with the CCSNH Director of Human Resources and CCSNH Chancellor/College president may exercise their discretion to dismiss the complaint. If the employee attempted to return to CCSNH in any capacity, they may not do so until the complaint is resolved and any sanctions imposed are satisfied. At the discretion of the CCSNH Director of Human Resources and CCSNH Chancellor/College president, a note may be placed in the employee's file that they resigned with pending allegations.

#### **G. Resolution of Reports Without a Formal Process**

Reports that fall within the scope of this policy may be resolved without a formal investigation and resolution process in one of two circumstances:

1. When the parties resolve the matter through an alternative resolution mechanism or;
  2. When the respondent accepts responsibility for violating policy and desires to accept an assigned sanction and end the resolution process
- a. **Informal Resolution**

Informal resolution is a voluntary and remedies-based resolution that does not involve taking disciplinary action against a respondent. The aim of informal resolution is not to determine whether there was intent to engage in conduct violating this policy, but rather to ensure that the alleged offending behavior ceases and that the matter is resolved promptly at an appropriate level. The College will not require the parties to engage in this type of process. It is not necessary to pursue informal resolution first in order to then pursue a formal resolution process. Any party participating in informal resolution can stop the process at any time prior to completion and begin/resume the formal resolution

process. Informal resolution is available once a formal complaint has been initiated and an NOAI has been issued.

At the Title IX Coordinators discretion, the parties may agree, as a condition of engaging in informal resolution, on what statements made or evidence shared during the informal resolution process will/will not be considered if a formal process resumes<sup>14</sup>. Parties do not have the authority to stipulate restrictions or obligations for individuals or groups not involved in the informal resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are needed to meet compliance obligations.

Informal resolution may involve but is not limited to:

- i. Agreement to pursue individual or community remedies;
- ii. Targeted or broad-based educational programming or training;
- iii. Supported direct conversation between parties or through shuttled communication and/or technology-facilitated communications; and
- iv. Restorative practices administered by trained facilitators.

The College may facilitate an informal resolution process at any time prior to reaching a determination regarding responsibility. Prior to facilitating informal resolution, the College will provide the parties with an NOAI, the requirements of the informal resolution process including circumstances under which the College precludes the parties from resuming a formal complaint arising from the same allegations (the College generally permits parties to withdraw from the informal resolution process and begin/resume a formal investigation and resolution process at any time before the informal resolution process is complete/any informal resolution is agreed to in writing by the parties), and any consequences resulting from participating in the informal resolution process. This includes information regarding any records that will be maintained or shared by the College. The notice will also state that parties have the right to be accompanied by an advisor.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through informal resolution before proceeding and will not pressure the parties to participate in informal resolution. The College will not offer or facilitate informal resolution to resolve allegations for employees. Upon successful resolution of a matter through informal resolution, all parties who have participated will be provided a notice of completion of informal resolution which will state the terms of the resolution and parties agreement to those terms.

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<sup>14</sup> The parties may not want discussions from informal resolution to be admissible in a later resolution process, but essential facts must and do transfer. Disclosing something in an informal setting to shield it from formal admissibility is something the Title IX Coordinator will consider & discuss with the parties to ensure an informed decision is made by the parties.

The Title IX Coordinator may look to the following factors to assess whether informal resolution is appropriate or to determine which form of informal resolution may be the most successful for the parties:

- i. The parties amenability to informal resolution;
- ii. Likelihood of potential resolution taking into account any power dynamics between the parties;
- iii. Party motivation to participate;
- iv. Civility of the parties;
- v. Any violence risk assessment and/or ongoing risk analysis;
- vi. Disciplinary history;
- vii. Whether an emergency removal is or was needed;
- viii. Complaint complexity;
- ix. Goals of the parties; and
- x. Adequate resources to invest (time, staff, etc.)

If at any point during an informal resolution process either the complainant or the respondent communicates dissatisfaction with the process and the Title IX Coordinator deems it appropriate, the Title IX Coordinator can terminate the informal resolution and begin/resume a formal investigation and resolution process. The Title IX Coordinator has the discretion to make the ultimate determination of whether informal resolution is available or whether a particular proposed solution agreement resolves a matter appropriately.

Once parties have agreed upon and signed a written informal resolution agreement, the formal resolution option is no longer available with respect to the allegations resolved in the agreement. Results of complaints resolved by informal resolution are not appealable. The Title IX Coordinator maintains records of any resolution that is reached and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (dissolution of the agreement and resumption of the formal resolution process or referral to the conduct office).

#### **b. Respondent Accepts Responsibility**

A respondent may, after receiving written notice of the allegations, their rights to request supportive measures, and their right to participate in a formal resolution, accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the respondent indicates intent to accept responsibility for all or part of the alleged misconduct, the formal process will be pause and the Title IX Coordinator will determine whether an informal resolution can be used to resolve the matter. If so, the matter will proceed to informal resolution and the parties will receive all notices and procedural rights outlined in the informal resolution process above.

The Title IX Coordinator will determine whether all parties and the Title IX Coordinator are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. No appeal of the finding of responsibility or sanctions will be available in such circumstances. If the parties cannot agree on all terms, the resolution process will continue/resume.



## H. Formal Investigations

The College may consolidate formal complaints and allegations against more than one respondent, by more than one complainant against one or more respondents, or by one party against another party where the allegations of such prohibited conduct arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party”, “complainant”, or “respondent” include the plural as applicable.

The Title IX team includes those who serve in roles at the discretion of the Title IX Coordinator that includes facilitating intakes, advisors, informal resolution facilitators, investigators, hearing facilitators, decision makers, appeal decision makers, and other designees in the Title IX process. These team members are trained annually and will be appointed by the Title IX Coordinator in consultation with the CCSNH Title IX Coordinator.

**Notice of Allegations and Investigation:** Prior to an investigation, the Title IX Coordinator will provide the parties with a detailed written NOAI. Amendments and updates may be made as more information becomes available and a new NOAI will be issued. For climate/culture investigations that do not have an identifiable respondent, the NOAI will be sent to the department/office/program head for the area/program that is being investigated. NOAI’s typically include:

- i. A meaningful summary of all allegations
- ii. The identity of the parties (if known)
- iii. The precise misconduct being alleged
- iv. Date and location of alleged incident(s) (if known)
- v. Specific policy/offense implicated
- vi. A description of/link to/copy of applicable procedures
- vii. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- viii. A statement that the College presumes the respondent not responsible for the reported misconduct unless and until the evidence supports a different determination
- ix. A statement that retaliation is prohibited
- x. Information about the confidentiality expectations during the process
- xi. Information about advisors and how they may be obtained

Notification will be made in writing and delivered via the parties’ college-issued email address or in person/by mail to all parties.

The College will make a good faith effort to complete investigations within 90 business days, which may be extended as necessary for appropriate cause. The timeline may also take longer for complex/larger investigations, witness availability, intervening semester breaks, law enforcement involvement, and/or other factors. The College may also undertake short delays when requested by law enforcement or due to health conditions of either party. The parties will receive regular updates, including for extensions/delays, and can request additional updates from the Title IX

Coordinator at any time.

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for any party. A party may raise concerns of bias/conflicts of interest to the Title IX Coordinator or the CCSNH Title IX Coordinator. The resolution process involves an objective evaluation of all available relevant and not otherwise impermissible evidence. Credibility determinations may not be based solely on an individual's status or participation as a complainant, respondent, or witness.

Unless specifically provided otherwise below, the following procedures will apply generally to cases involving allegations of sex discrimination, sex-based harassment, and/or sexual misconduct:

1. The Title IX Coordinator will assign or retain an investigator. A notice of investigator appointment letter will be sent to both parties. In this letter, the full name of the investigator will be provided. Each party will have 48 hours to object to the investigator's appointment on the grounds that the investigator has a bias for or against complainants or respondents generally or a particular party or has a conflict of interest. Objections must be made in writing and sent to the Title IX Coordinator who will decide whether to appoint an alternative investigator. This process will be repeated until an investigator is selected. After this objection timeframe passes, all relevant information to the case will be transferred to the appointed investigator.
2. The investigator is authorized to access relevant records, including personnel, grievance, and student records except those deemed confidential or privileged by law. The investigator is authorized to contact any and all individuals without limitation. Both parties will be provided with timely notice of any meeting related to this process that they are invited to or expected to attend. This will include written notice of the date, time, location, participants, and purpose of the meeting with sufficient time for the party to prepare to participate. Meetings will be scheduled in conjunction with the party's academic course schedule to ensure that neither party miss classes due to a meeting related to this process. Additional meeting times will be included in notifications sent by the Title IX Coordinator at least 24 hours prior to the scheduled meeting. If a party is unable to attend, they must notify the Title IX Coordinator with the reason for the conflict and offer alternative meeting times.
3. The parties will be asked to identify all witnesses with whom they wish the investigator to speak with and what questions they wish the investigators to ask of other parties or witnesses. The investigator will interview those witnesses who are believed by the investigator to have first-hand knowledge of the incident or otherwise relevant information. The investigator is not otherwise required to

interview any particular witnesses even if identified by one of the parties. The investigator will include in the investigative report a rationale for why they did not interview a particular witness identified by one of the parties. The investigator will provide the draft investigative report to the Title IX Coordinator for their review/feedback.

4. Prior to the conclusion of the investigation, the Title IX Coordinator will provide the parties and their advisors (if so desired by parties) an electronic copy of the draft investigative report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation, including evidence the College does not intend to rely on in reaching a determination. The parties will have ten (10) business days to review and comment so that each party may meaningfully respond to the evidence. The parties may elect to waive all or part of the review period. Any responses should be submitted to the Title IX coordinator within this 10-day period. The Title IX Coordinator will make any party's response available for any other party to review.

5. The investigator will consider the parties comments, if any, and incorporate relevant elements of the parties written responses into the final investigative report as deemed appropriate at the investigators discretion. This includes adding any additional relevant evidence, making necessary revisions, asking any additional questions of witnesses and/or parties, and finalizing the report.

6. At the conclusion of the investigation, the investigator will send the final investigative report to the Title IX Coordinator.

7. The final investigative report created by the investigator will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator. The investigator will not offer recommendations regarding whether the policy was violated. At least ten (10) calendar days prior to the hearing referenced below, the College will send to each party and applicable advisors the final investigative report and exhibits in an electronic format for their review.

### **Recording of Interviews**

The investigator may utilize audio and/or video record interviews at their discretion. No unauthorized audio or video recording of any kind is permitted during investigation meetings. All involved parties must be made aware of audio and/or video recording. Parties may review the recordings upon request. Transcripts, if used, will be included in the investigative report.

### **H. Evidentiary Considerations in the Investigation**

Investigators will only consider relevant evidence, which is defined as evidence which may aid in determining whether an allegation occurred or whether the behavior constitutes a violation of policy. Investigators will not consider impermissible evidence, including:

1. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior (unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged or if questions/evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent);
2. Information protected under a legally recognized privilege (such as privileged communications between parties and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity or privileged communications between a party and their attorney) unless the person holding such privilege waives the privilege.

Previous disciplinary action of any kind involving the respondent may not be considered unless there is an allegation of a pattern of related misconduct. This information of pattern can also be considered when determining an appropriate sanction. Investigations and determinations can consider character evidence, if offered, but that type of evidence is unlikely to be relevant unless it is fact evidence or related to a pattern of conduct.

## **I. Formal Resolution Procedures**

CCSNH utilizes one formal resolution procedure to resolve allegations that fall within the scope of this policy. For allegations that, if true, would constitute a violation of this policy the College utilizes a formal grievance process (known as a formal hearing resolution procedure) that complies with the 2024 Title IX regulations and follows the outline below of a decision maker led live hearing.

### **i. Formal Hearing Resolution Procedure**

- a. As noted above, upon receipt of the final investigative report, the Title IX Coordinator will send both parties<sup>15</sup> and their advisors<sup>16</sup>, if applicable (may be an attorney), the final investigative report and evidence in an electronic format for their review and written response if the parties so chose to submit one. Any written response a party wishes to provide must be submitted to the Title IX Coordinator within ten (10) days of receiving the final investigative report and evidence. The final report and party written responses, if any, will be provided to the decision maker in advance of the hearing. Deadlines for party review of information and submission of comments may be extended upon request for good cause and at the discretion of the Title IX Coordinator.
- b. Once the final investigative report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing and appoint a decision maker as well as a hearing facilitator<sup>17</sup>. Each party will have 48 hours to object to the appointment on the grounds that the decision maker and/or hearing facilitator is biased against one or both parties or has a conflict of interest. Objections must be made in writing and sent to the Title IX Coordinator who will decide

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<sup>15</sup> In complaints involving more than one complainant and/or respondent, the default procedure will be to hear allegations jointly. The Title IX Coordinator may permit separate hearings if there is a compelling reason to do so.

<sup>16</sup> Advisors may not be called as witnesses to testify to what their advisee has told them during their role as an advisor.

<sup>17</sup> The Title IX Coordinator will select the appropriate decision-maker depending on whether the respondent is an employee or a student.

whether to appoint an alternative decision maker and/or hearing facilitator.

This process will be repeated until a decision maker and/or hearing facilitator is selected. After the objection timeframe passes, all relevant information to the case will be transferred to the appointed decision maker.

- c. The decision maker may consider arguments from the parties on evidence being relevant or impermissible in the parties written response to the final investigative report. The decision maker will rule on these arguments pre-hearing and will exchange those rulings with the parties prior to the hearing. The decision maker may consult with the Title IX Coordinator regarding questions of admissibility.
- d. The decision maker, after any necessary consultation with the parties/investigator/Title IX Coordinator, will provide the names of persons who will be participating in the hearing<sup>18</sup>, all pertinent documentary evidence, the final investigative report, and a hearing schedule/Zoom link to the parties at least seven (7) business days prior to the hearing in an email notice to all parties. Witnesses will be notified at least five (5) days before the hearing of the time they are asked to attend. Other pertinent information will be shared with the parties and witnesses in this notification. Witnesses will only be present during their portion of questioning.<sup>19</sup> Hearings will be scheduled into the summer as needed to avoid lengthy delays and may be scheduled over several days depending on witness schedules.
- e. At least two (2) days before the hearing, the parties may submit to the decision maker a written statement that identifies the facts they dispute and questions they believe the decision maker should ask of the parties and/or witnesses so that the decision maker may question the parties about these facts during the hearing. Facts that are undisputed by all parties may be relied upon by the decision maker even if they are not directly discussed at the hearing. The decision maker is not required to ask questions they deem irrelevant and/or impermissible. The decision maker will share with all parties these submitted statements as well as reasoning for not asking irrelevant/impermissible questions. The decision maker may consult with the Title IX Coordinator on questions of admissibility regarding these determinations.
- f. Ordinarily, but subject to the discretion of the decision maker, hearings will open with the hearing facilitator explaining the upcoming process and schedule, followed by an opening statement from the parties (but not their advisors) if they so choose. The decision maker will then ask their questions of the parties. Witnesses will be questioned in this same format. Advisors will not be permitted to make opening/closing statements or participate actively in the hearing but may request breaks to consult with the party. If parties and/or witnesses do not appear at the hearing, the hearing may continue without the party/witness or an attempt to reschedule may be made at the discretion of the Title IX Coordinator.

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<sup>18</sup> This may include anyone authorized to provide accommodations, interpretation, and/or assistive services.

<sup>19</sup> If the decision maker and both parties agree, they may decide that certain witnesses do not need to be present if their testimony can be adequately summarized in the final investigative report and their presence is not essential.

- g. After the decision maker asks questions of each party and witness, the hearing facilitator will permit a short recess (most often in the format of a Zoom breakout room) so that the parties may discuss with their advisor if they would like the decision maker to ask any follow-up questions. The parties may waive this recess or choose not to participate if the other party does not waive this recess. Advisors will submit these electronically to the decision maker via email and the decision maker will briefly deliberate and make a relevance/impermissible determination<sup>20</sup>. These will be shared with the parties. The decision maker will then ask any follow-up questions they deem relevant/permissible.
- h. Any party or witness may choose not to offer evidence and/or answer questions at the hearing either because they do not attend or because they attend but refuse to participate in some or all of the questioning. The decision maker can only rely on whatever relevant evidence is available through the investigation and hearing in making ultimate determination of responsibility. The decision maker may not draw any inference solely from a party or witness's absence or refusal answer questions.
- i. At the end of the hearing, the parties (not their advisors) may consult with their advisors in a recess and make closing statements. The hearing facilitator will then close the hearing.

### **Introduction of New Evidence or Witnesses at the Hearing**

Any witness scheduled to participate in the hearing must have been first interviewed by the investigator unless all parties and the decision maker agree to the new witness's participation in the hearing. The same holds true for any evidence that is first offered in the pre-hearing statement made to the decision maker. If both parties and the decision maker do not assent to the admission of a new witness or newly offered evidence at the hearing, the decision maker has the discretion to delay the hearing to allow parties to review the new evidence or instruct that the investigation be re-opened to include that evidence if deemed relevant and permissible.

### **Recorded Hearings**

All hearings conducted by the Title IX office will be virtual to accommodate the many different schedules and locations of participants and will be recorded for the purpose of review in the event of an appeal. The decision maker and the parties must be able to simultaneously see and hear a party/witness while they are speaking. The parties may not record the proceedings and no other unauthorized recordings are permitted. The decision maker, parties, advisors, hearing facilitator and other administrators will be permitted upon request to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission from the Title IX Coordinator.

#### **ii. Notice of Outcome**

After the hearing, the decision maker will determine whether the respondent<sup>21</sup> is

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<sup>20</sup> The Decision maker may consult with the Title IX Coordinator in making these determinations on questions of admissibility.

<sup>21</sup> In cases where there is more than one respondent, a separate notice of outcome will be written for each respondent.

responsible or not responsible for policy violations in question with the preponderance of evidence standard (whether the evidence considered establishes that it is “more likely than not” that the policy was violated).

- a. Within ten (10) business days after the conclusion of the hearing, the decision maker will prepare and deliver to the Title IX Coordinator a written notice of outcome regarding whether the respondent is or is not responsible for the policy violations in question. The notice of outcome will include:
  - i. Identification of the sections of the Colleges policy alleged to have been violated;
  - ii. A description & dates of the procedural steps taken from the receipt of the complaints through the determination;
  - iii. Specified findings for each alleged policy violation;
  - iv. A detailed rationale for the findings of each allegations including determination regarding responsibility;
  - v. All applicable sanctions;
  - vi. Identification of the College’s procedures and permissible bases for the parties to appeal (as outlined below). The determination regarding responsibility becomes final if an appeal is filed on the date the College provides the parties with the written determination of an appeal. If an appeal is not filed, the determination regarding responsibility becomes final on the date on which the appeal would no longer be considered timely; and
  - vii. The determination will notify parties whether remedies designed to restore or preserve equal access to the College’s education program or activity will be provided to the complainant but will not provide details about such remedies.
- b. In cases where the decision maker determines the respondent is responsible for a policy violation, the Title IX Coordinator will share the decision maker’s determination and sanction assignments with the appropriate personnel who will implement sanctions<sup>22</sup>.
- c. The Title IX Coordinator will share the notice of outcome with the parties simultaneously via email, mail, or in person.

The time periods prescribed in this procedure for actions by the Title IX Coordinator or investigator are intended not as rigid rules, but rather as guidelines to which all are expected to adhere in good faith to the extent practicable. The Title IX Coordinator may exercise reasonable discretion to extend deadlines when they consider necessary or appropriate and will provide notice to the parties if that occurs. Parties may request investigative updates at any time throughout the process.

## **G. Appeal Process**

Appeals must be submitted in writing to the Title IX Coordinator within five (5) business days of receipt of the notice of outcome. An appeal will not be considered if

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<sup>22</sup> For employee respondents, the College President and/or CCSNH Chancellor in consultation with the CCSNH Director of Human Resources will assign sanctions. Student respondent sanctions may require student conduct, registrar’s office, and other appropriate offices to be notified in order to carry out assigned sanctions.

submitted after the allotted five days have elapsed. The other party will be notified of the appeal and the grounds the appeal was filed under. Any sanctions imposed in the notice of outcome are paused during the appeal process. The appeals decision maker may consult with individuals as deemed necessary to reach their decision. They will communicate their decision to the parties in writing within five (5) days of the date of the appeal with a copy to the Title IX Coordinator. Appeals are limited to the following grounds:

- a. A procedural irregularity that would change the outcome.
- b. New evidence that would change the outcome and that was not reasonably available at the time of determination.
- c. A Title IX team member of the resolution process had a conflict of interest or bias that would change the outcome.
- d. The sanctions are not appropriate for the level of the policy violation and/or cumulative disciplinary record.

**i. Appeal Procedure**

Any party may appeal a determination regarding responsibility under the grounds set forth in this policy. Supportive measures may be continued or reinstated by the Title IX Coordinator during the appeals process. If no appeal is filed or an appeal is not timely, the original finding will stand effective on the date the appeal period ends. The appeal procedures are implemented equally for all parties.

1. Upon delivery of the notice of outcome, both parties may submit an appeal to the Title IX Coordinator within five (5) business days. An appeal must articulate the specific grounds for the appeal and provide a statement and/or evidence.
2. The Title IX Coordinator will appoint an appeal decision maker to determine if the request meets the grounds for an appeal. This will be an independent person from the previous process including from any dismissal appeal that may have been heard earlier in the process. The parties will have 24 hours to object to the appointment of the appeal decision maker, in writing, on the basis of perceived bias or conflict of interest. The Title IX Coordinator has the sole authority to determine whether to replace an appeals decision maker and that decision is final.
  - a. If the request does not meet the grounds for appeal, the request will be denied and the appeal decision maker will notify the parties, their advisors, and the Title IX Coordinator in writing of the denial and rationale.
  - b. If the request does meet the grounds for appeal, the appeal decision maker will notify the parties, their advisors, and the Title IX Coordinator in writing as well as investigators/original decision maker when appropriate.
  - c. If both parties submit appeals (cross-appeals or counter appeals), the same appeal decision maker will decide both appeals individually but at the same time. The same appeal decision



maker will decide any appeals arising from the same facts and circumstances.

3. Following this notification, the non-appealing party has five (5) business days to submit a written response to the appeal which will be provided to the appealing party.
  - a. No party may submit any new requests for appeal after this time period.
4. An appeal is typically confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The appeal decision maker will defer to the original findings and determination, remanding only when there is clear reason to do so or modifying the outcome/sanctions only when there is a compelling justification to do so. An appeal is not an opportunity for the appeal decision maker to substitute judgement because they disagree with the original decision maker. The appeal decision maker may consult with the Title IX Coordinator on questions of procedure, rationale or additional clarification.
5. The appeal decision maker may take one of three possible actions on appeal:
  1. Dismiss the appeal for failure to meet the grounds of appeal, therefore upholding the initial outcome and sanctions (if applicable).
  2. Remand to the investigator or decision maker with specific instructions on the remanded issue(s)
    - a. In rare circumstances where an error cannot be cured by the original investigator, decision maker, and/or Title IX Coordinator (in cases of bias), the appeal decision maker may order a new investigation and/or determination with new members serving in the affected roles.
  3. Modify the outcome and/or sanction with a rationale supporting the modification.
6. Within five (5) business days of the date of appeal, a notice of appeal outcome will be sent to all parties, their advisor, and the Title IX Coordinator simultaneously via email or mail which includes the decision on each ground cited and rationale for each decision. The notice of appeal outcome will provide specific instructions for remand or reconsideration, any sanctions, and the rationale supporting the essential findings.
7. The appeal decision maker's decision is final and there are no further appeal options (except in the case of a new determination or new sanction, which can be appealed one final time).
8. If a sanction is imposed, the Title IX Coordinator will coordinate the implementation of the sanction. They will also coordinate and implement

remedies owed to the complainant and implement any other long-term supportive measures as necessary.

## **H. Sanctions**

If it is determined that this policy has been violated, sanctions will be reasonably calculated to attempt to prevent reoccurrence and promote/restore the complainant's equal access to the College's education programs and activities. Factors taken into consideration include prior violations of College policy and sanctions, impact on parties, and the circumstances/nature/severity of the violation. Violations of this policy sanctions range from reprimand to expulsion/termination.

Sanctions against employee respondents, who are found to have committed the alleged conduct and thereby violated this policy, will be based on the circumstances and seriousness of the offense and decided by the College President and/or CCSNH Chancellor. Sanctions against CCSNH faculty and staff will be handled in accordance with employment policies or collective bargaining agreements governing discipline and dismissal. Sanctions may include, but are not limited to, mandated training, position reassignment, imposed workplace conditions, written warning, disciplinary suspension without pay, demotion, or dismissal.

Sanctions may include but are not limited to:

1. Change of job or class assignment (removing a person from being in a position to retaliate or further affect the complainant);
2. Writing a letter of apology to the complainant;
3. Mandatory attendance at an appropriate educational class, program, or training;
4. Written reprimand or other form of disciplinary documentation;
5. Relevant community service;
6. Prohibiting a student from holding an officer position or participating in student activities (including sports for a specified time period);
7. Restriction from other relevant activities or locations, such as a gym or recreational space;
8. Transferring a student to different housing or banning them from College housing facilities (if applicable);
9. Student group or organization warnings, loss of privileges, probation, suspension, or termination;
10. Disciplinary probation, which would provide for more severe disciplinary sanctions in the event the student is found in violation of any other institutional policy for a specified period of time;
11. Suspension, typically not to exceed two (2) years, from CCSNH colleges;
12. Termination or dismissal from CCSNH colleges.

In addition to the above listed potential sanctions, a respondent or any other party may at any time be referred to another College disciplinary process due to relevant information obtained from the complaint resolution process. Non-disciplinary measures as deemed

appropriate in the discretion of the College (including but not limited to no contact orders or housing relocation) may be implemented even in cases where a policy violation was not found.

Sanctions will be implemented as soon as possible once a determination is final, either upon outcome of an appeal or the expiration of the window to appeal. Failure to abide by sanctions/actions imposed by the date specified, whether by refusal, neglect, or for any other reason may result in additional sanctions/actions including suspension, expulsion, or termination.

### **I. Remedies**

Following the conclusion of the resolution process and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or campus community that are intended to stop harassment, discrimination, and/or retaliation, remedy the effects, prevent reoccurrence, and promote or restore the complainant's equal access to College programs and activities. These remedies/actions may include but are not limited to:

- i. Referral to counseling and health services
- ii. Referral to the employee assistance program
- iii. Education to the individual and/or community
- iv. Permanent alteration of housing assignments (if applicable)
- v. Alteration of work arrangements for employees
- vi. Provision of campus safety escorts
- vii. Policy modification and/or training
- viii. Implementation of long-term contact limitations between the parties
- ix. Implementation of adjustments to academic deadlines, course schedules, retroactive withdrawals, etc.

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by the College to the respondent to ensure no effective denial of educational access. The College will maintain the privacy of any long-term remedies/actions/measures provided privacy does not impair the College's ability to provide these services.

## **16. PREGNANCY, RELATED CONDITIONS, AND PARENTING INDIVIDUALS**

CCSNH does not discriminate in its education program or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential, or past pregnancy or related conditions as mandated by the Title IX of Education Amendments of 1972. The College prohibits members of the College community from adopting or implementing any policy, practice, or procedure which treats individuals differently on the basis of current, potential, or past pregnancy, related conditions, or parental status. This policy applies to all pregnant persons, regardless of gender identity or expression.

### **1. Relevant Definitions**

- a. **Familial Status** is the configuration of one's family or one's role in a family.

- b. **Parental Status** is the status of a person who, with respect to another person who is under the age of 18<sup>23</sup>, is a biological, adoptive, foster, stepparent, legal custodian or guardian, in loco parentis with respect to such person, or actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- c. **Pregnancy and Related Conditions** are the full spectrum of processes and events connected to pregnancy, including pregnancy, childbirth, termination of pregnancy<sup>24</sup>, lactation, related medical conditions, and recovery therefrom.
- d. **Reasonable Modifications** are individualized modifications to the policies, practices, or procedures that do not fundamentally alter the College education program or activity.

## 2. Information Sharing Requirements

Any College employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Title IX Coordinators contact information and communicate that the Title IX Coordinator can help take specific actions to prevent discrimination and ensure equal access to the College's education program and activity. If the employee has a reasonable belief that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the Title IX Coordinator's contact information to the student.

Upon notification of a student's pregnancy or relate condition, the Title IX Coordinator will contact the student and inform them of the College's obligations to:

- a. Prohibit sex discrimination;
- b. Provide reasonable accommodations;
- c. Allow access, on a voluntary basis, to any separate or comparable portion of the institutions education program or activity;
- d. Allow a voluntary leave of absence;
- e. Ensure lactation space availability;
- f. Maintain a resolution process for alleged discrimination;
- g. Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purpose.

The Title IX Coordinator will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation.

## 3. Reasonable Modifications for Students

Students who are pregnant or are experiencing related conditions are entitled to reasonable modifications to prevent sex discrimination and ensure equal access to the College's education program and activity. Any student seeking reasonable modifications must contact the Title IX Coordinator to discuss appropriate and available reasonable modifications based on their individual needs. Students are encouraged to request these as promptly as possible, though retroactive modifications may be available in some circumstances. Reasonable modifications are voluntary and a student can accept or decline the offer. These may include (and may not be appropriate in all contexts):

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<sup>23</sup> Or a person who is 18 or older but is incapable of self-care because of mental or physical disability.

<sup>24</sup> The Department of education interprets 'termination of pregnancy' to include miscarriage, stillbirth, or abortion. 89 F.R. 33474 April 29<sup>th</sup>, 2024, codified at 34 C.F.R. 106.

- a. Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
- b. Intermittent absences to attend medical appointments
- c. Access to online education
- d. Changes in class schedules
- e. Time extensions for coursework and rescheduling of tests
- f. Allowing a student to sit or stand and carry/keep water nearby
- g. Changes in physical space or supplies (such as a larger desk)
- h. Elevator access if applicable
- i. A larger uniform or other required clothing/equipment
- j. Other changes as determined by the Title IX Coordinator

In situations such as clinical rotations, performances, labs, and group work, the College will work with the student to devise an alternative path to completion if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. Students are encouraged to work with their faculty members and the College Accessibility Coordinator to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize academic impact, and get back on track as efficiently as possible. The Title IX Coordinator will assist with plan development/implementation as needed.

Supportive documentation for reasonable modifications will only be required when it is necessary and reasonable under the circumstances to determine which reasonable modifications to offer to ensure equal access. Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the reasonable modification.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the ADA or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like other students with a temporary disability. The Title IX Coordinator will consult with the College ADA Coordinator to ensure the student receives reasonable accommodations for their disability as required by law.

#### **4. Certification to Participate**

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physical able to participate in the program or activity unless:

- a. The certified level of physical ability or health is necessary for participation;
- b. The institutions requires such certification of all students participating; and
- c. The information obtained is not used as a basis for pregnancy-related discrimination.

#### **5. Lactation Space Access**

The College provides students and employees with access to lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of other. Lactation spaces are located in the following locations:  
Sweeney Room 121

## 6. Leave of Absence

### A. Students

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their healthcare provider because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity. In order to initiate a leave of absence, the student must contact the Title IX Coordinator at least thirty (30) days prior to the initiation of the leave or as soon as practical. The Title IX Coordinator will work with the Registrar and any other necessary employees to ensure the student fills out the correct paperwork. Students may register as “on leave/inactive” to continue their eligibility for certain benefits (including health insurance or residing in College housing if applicable and subject to the payment of applicable fees).

To the extent possible, the College will take reasonable steps to ensure that students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they left. Continuation of the students’ scholarships, fellowships, or similar College-sponsored funding during their leave term will depend on registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility by exercising their rights under this policy. When requested, the College will provide any necessary documentation for financial aid agencies and external scholarship providers.

### B. Employees

Employees should work with Human Resources to determine their eligibility for leave. If an employee, including a student-employee, is not eligible for leave because they do not have enough leave time available or have not been employed long enough to qualify for leave, they are eligible to qualify for pregnancy or related conditions leave under Title IX without pay for a reasonable period of time. Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without negative effect on employment privilege or right.

## 7. Student Parents

Students with child caretaking/parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of a child or placement of a foster child may request an academic modification period from the Title IX Coordinator during the first six months from the time the child entered the home. Extensions may be granted when additional time is required by medical necessity or extraordinary responsibility. During this academic modification period, the students’ academic requirements will be adjusted/postponed as appropriate in collaboration with the appropriate staff, the students’ academic advisor, and appropriate academic departments. The student is encouraged to work with their advisors and faculty members directly to reschedule course assignments, lab hours exams, or other requirements as appropriate once authorization is received from the Title IX Coordinator. If the student is unable to work with these staff to obtain the appropriate modifications, the student should alert the Title IX Coordinator as soon as possible, and they will help facilitate.

In timed degree, certification, or credentialing programs, students seeking modifications upon birth or placement of their child will be allowed an extension of up to 12 months to prepare for and take preliminary and qualifying examinations and an extension of up to 12

months toward normative time to degree while in candidacy to the extent those deadlines are controlled by the College. Longer extensions may be granted in extenuating circumstances. Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence. While receiving academic modifications, students will remain registered and retain benefits accordingly.

## **8. Policy Dissemination and Training**

A copy of this policy will be made available to faculty and employees in annually required training and posted on the College's website. The College will alert all new students about this policy in new student training. The Title IX office will make educational materials available to all members of the College community to promote compliance with this policy and familiarity with its procedures.

## **17. EDUCATION, COMMUNICATION, AND TRAINING**

All students and employees within our campus community deserve to feel safe and supported. CCSNH works year-round to provide education, tools, resources to recognize concerning or harmful behavior, strategies for intervening, and to help others get the support they need. As part of these efforts, CCSNH provides primary prevention and awareness campaigns for all incoming students and new employees as well as ongoing prevention and awareness campaigns for all students and employees in compliance with the 2024 Title IX regulations, VAWA, and NH RSA 188:H. These programs are comprehensive, intentional, and integrated initiatives, strategies, and campaigns intended to combat relevant Title IX issues. CCSNH considers each individual campus unique and designs its programs to fit each community to ensure they are culturally relevant, inclusive of diverse communities/identities, sustainable, responsive, and informed by research.

CCSNH also considers environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal level so that we can address actual issues that may influence how/if violence is occurring within our own community and how these programs can meet our collective need. All these programs will reinforce that dating violence, domestic violence, sexual assault, stalking, and sexual misconduct are unacceptable and prohibited within our campus communities.

### **A. Primary Prevention and Awareness**

Primary Prevention programs are those that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships/sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy/safe directions. Awareness programs are programs that are community-wide or audience specific that increase knowledge and share information/resources to prevent violence, promote safety, and reduce perpetration.

### **B. Bystander Intervention**

Bystander intervention involves safe and positive options that might be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence sexual assault, or stalking. This can include:

- i. Recognizing situations or potential harm;
- ii. Understanding institutional structures and cultural conditions that facilitate violence;

- iii. Overcoming barriers to intervening;
- iv. Identifying safe and effective intervention options; and
- v. Taking action to intervene.

Safety is your top priority when intervening. Before jumping into a potentially dangerous situation, be smart and think about your own safety. Ask how can I keep myself safe? What are all options available? Who else might be able to assist me? Aside from safety in numbers, you may have more influence on the situation when you work together with someone else or even several people.

Remember the 3“D”s of bystander intervention:

**DIRECT:** Directly confront the inappropriate behavior

Point out threatening or inappropriate behavior in a safe, respectful manner.

**DISTRACT:** Draw away or divert attention

Make up an excuse to help a friend get away from someone who might pose danger (Let’s go dance! Can you come to the bathroom with me?).

**DELEGATE:** Reach out to someone else for help, like public safety or the police.

Alert a bartender or party host that someone has had too much to drink

### **C. Risk Reduction**

Risk reduction refers to tools/strategies/behaviors/options that decrease perpetration, bystander inaction, and promote victim empowerment. This definition includes giving bystanders tools to overcome barriers that might lead them not to intervene, so all tips provided above can generally be used for risk reduction as well. It is up to the CCSNH community to look out for one another and create the safe environment that our students and employees deserve.

Below are some suggestions that can help individuals reduce their risk of being victimized and reduce the risk of being accused of sexual misconduct. CCSNH does not condone victim-blaming and acknowledges that only those who commit violence are responsible for their actions.

#### Reducing the Risk of Victimization

- i. Make any limits/boundaries you have known to your partner as early as possible.
- ii. Clearly and firmly articulate consent or lack of consent.
- iii. Remove yourself, if possible, from an aggressor’s physical presence.
- iv. Reach out for help, either from a person who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- v. Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability for sexual victimization.
- vi. Look out for friends and ask them to look out for you. Respect them and ask them to respect you but be willing to challenge each other about high risk choices.

#### Reducing the Risk of Being Accused of Sexual Misconduct

- vii. Show your potential partner respect if you are in the position of initiating sexual behavior.



- viii. If a potential partner says “no”, accept it and don’t push. Do not proceed without clear permission.
- ix. Clearly communicate your intentions to your potential sexual partner and give them a chance to share their intentions/boundaries with you.
- x. Respect personal boundaries. If you are unsure what is OK in any interaction, ask.
- xi. Avoid ambiguity. Don’t make assumptions about consent, whether someone is attracted to you, how far you can go with someone, or if the individual is physically/mentally able to consent. If you have questions or are unclear, you don’t have consent.
- xii. Don’t take advantage of the fact that someone may be under the influence of alcohol or drugs, even if the person chose to become that way. Other’s loss of control does not put you in control.
- xiii. Be on the lookout for mixed messages. That will be a clear indication to stop and talk about what your potential partner wants or doesn’t want to happen.
- xiv. Respect timelines for sexual behaviors with which others are comfortable and understand they are entitled to change their minds at any time.
- xv. Recognize that even if you don’t think you are intimidating, our potential partner may be intimidated by or fearful of you because of sex, size, social capital, or position of power/authority.
- xvi. Don’t assume that someone’s silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- xvii. Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behavior. If you are unsure, stop and ask.
- xviii. Understand that exerting power and control over another through sex is unacceptable conduct.

#### **D. Programs Offered**

Below is information for program offerings. For more information or to request a program/training, contact the Title IX Coordinator.

*Title IX New Student Training* - Mandatory training completed online or in person at the start of every academic year that reviews College policy and procedures, definitions, jurisdiction, reporting options, resolution options, and risk reduction.

*Title IX Employee Training* - Mandatory training completed online or in person at the start of every academic year that reviews mandatory reporter expectations, how to take/submit reports to the Title IX office, College policy and procedures, definitions, jurisdiction, reporting options, resolution options, and risk reduction.

- i. Also completed for all new employees upon hire

*Title IX Student Leaders Training* - Training completed online or in person at the start of every academic year that reviews student worker mandatory reporter expectations, how to take/submit reports to the Title IX office, College policy and procedures, definitions, jurisdiction, reporting options, resolution options, and risk reduction.

*USafeUS App* - A free and confidential 24/7 online safety and prevention tool in

response to Title IX related offenses that includes fake text/call features, GPS tool alerts with friends, drink recipes to alert bartenders for help, contact information for campus reporting and local resources, College policy overview, and nationally available resources.

- i. Download the app in the App store or Google Play & select your College campus

*Title IX Refresher* - Training offered upon request that can be done for campus clubs, student groups, classes, employees, etc. Material can be tailored to individual needs and can generally include College policy and procedures, definitions, jurisdiction, reporting options, resolution options, and risk reduction.

*Stalking Awareness Training* - Training offered upon request that focuses on the Title IX offense of stalking, general awareness, case discussion online safety measures, safety planning, bystander awareness/intervention, and reporting options.

In addition to the above programming/training that is offered every year, the College also hosts local domestic and sexual violence agencies on campus to engage in a variety of prevention and awareness programming each academic year. These change year to year to best address the needs of the community.

#### **E. Title IX Team Training**

All members of the Title IX team will receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX, and annually thereafter. Materials will not rely on sex stereotypes. Training topics include, but are not limited to:

- i. The role of the Title IX Coordinator scope of the policy;
- ii. The Resolution Process and how to conduct a sex discrimination resolution process consistently, including issues of disparate treatment, disparate impact, sex-based harassment, quid pro quo, hostile environment harassment, and retaliation;
- iii. How to conduct/coordinate investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability;
- iv. Implicit bias, confirmation bias, and treating parties equitably;
- v. Reporting, confidentiality, and privacy requirements;
- vi. Applicable laws, regulations, and federal regulatory guidance;
- vii. How to implement appropriate and situation-specific remedies;
- viii. How to investigate/coordinate investigations in a thorough, reliable, timely, and impartial manner;
- ix. Trauma-informed practices pertaining to investigations and resolution processes
- x. How to uphold fairness, equity, and due process as well as how to weigh evidence;
- xi. How to conduct questioning, assess credibility, and use impartiality and objectivity;
- xii. How to render findings and generate clear, concise, evidence-based rationales;
- xiii. The definitions of all prohibited conduct;

- xiv. How to conduct a grievance process, including administrative resolutions, hearings, appeals, and Informal Resolution Processes;
- xv. How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against respondents and/or for complainants;
- xvi. Technology to be used at a live hearing
- xvii. The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the Title IX Regulations;
- xviii. Issues of relevance and creating/coordinating an investigation report that fairly summarizes relevant and not impermissible evidence;
- xix. How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations;
- xx. Recordkeeping, Clery Act/VAWA requirements applicable to Title IX, and obligations under Title IX;
- xxi. Training for informal resolution facilitators on the rules and practices associated with the Informal Resolution process;
- xxii. Supportive Measures and reasonable modifications and specific actions to prevent discrimination and ensure equal access for pregnancy or related conditions ;
- xxiii. How to apply definitions with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with Policy; and
- xxiv. Any other training deemed necessary to comply with Title IX.

### **18. QUESTIONS, NOTICE, AND SUPERSEDING OF PRIOR POLICIES**

This policy is effective August 1<sup>st</sup>, 2024. Complaints or notices of alleged policy violations, inquiries, or concerns regarding this policy and procedure may be made to the Title IX Coordinator. This policy is subject to change to comply with changes in relevant laws or College operating procedures. If government laws, regulations, or court decisions change in ways that impact this document, this document will be construed to comply with the most recent government regulations or holdings. This policy supersedes all previous College policies and procedures that covered some or all of the areas addressed in this policy.

## **730.05 Barred and Expulsion**

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

Any person barred and/or expelled from one CCSNH college campus for violence or threats of violence shall be prohibited from attending any other CCSNH college campus and/or satellite campus. The barred and/or expelled person shall be notified in writing of this policy.

Procedure: Submit names and copy of official notification letter of any student classified under this policy to the Chancellor’s Office. Names will then be shared with the Vice President of Student Affairs at all campuses.

## **730.06 Student Code of Conduct and Judicial Process**

*Date Approved: 11/3/2022*

*Date Effective: 6/6/2024*

## I. Introductions

### A. Community Standards Policy Statement

The Community College System of New Hampshire provides educational pathways for learners and community members within the state and beyond. We support individuals through comprehensive degree and certificate programs that focus on academic rigor, teaching excellence and individualized learning. As a community of learners, we aspire to:

- Act with integrity and honesty in accordance with the highest academic, professional, and ethical standards
- Respect and honor the dignity of each person and foster a diverse and inclusive community
- Act responsibly and be accountable for our decisions, actions, and their consequences
- Seek, create and foster creativity and innovation, for the benefit of our communities.
- Strive for excellence in all our endeavors as individuals and an institution.
- Work together for the advancement of our institution and the communities we serve.

The standards and procedures documented here maintain and protect an environment that is conducive to learning and supports the Community College of New Hampshire's educational objectives. Those involved with the conduct process work to uphold community standards through restorative interventions that encourage students to be heard, respected, and treated with dignity. These students, including both residential and commuters, can participate in a fair and impartial resolution process that encourages personal accountability and responsible decision-making; promotes reflection and restoration; and reduces behavior that undermines student success and community safety.

### B. Definitions

1. College Premises - Refers to all land, buildings, facilities, and other property in the possession of, or owned, used or controlled by any CCSNH college (including adjacent streets and sidewalks).
2. College Official - Refers to the college official(s) appointed by a CCSNH college to coordinate and monitor the judicial process. The College Official's role will include but not be limited to monitoring the judicial decision makers/committees and proceedings; advising judicial decision makers/committees and students on the applicable judicial process; reviewing requests for appeals; and maintaining judicial proceedings records.
3. Judicial Decision Maker/Committee - Refers to any college official or committee authorized to determine whether a student has violated the Community Standards and Student Code of Conduct and to impose outcomes or sanctions.
4. Appeals Committee - Refers to the person or persons appointed by a CCSNH college that is authorized to consider an appeal arising from a judicial decision maker/committee determination that a student has violated the Community Standards and Student Code of Conduct and/or the outcomes or sanctions imposed by such judicial decision maker/committee.
5. Complainant - Refers to any person who has filed a report or complaint alleging that a student has engaged in conduct that violates the Student Code of Conduct.

6. Respondent – Refers to a student against whom a report or complaint alleging violation of the Community Standards and Student Code of Conduct has been filed.

## II. Student Code of Conduct

### A. Scope

1. The Community Standards and Student Code of Conduct prohibits activities that directly and significantly interfere with the colleges'
  - a. educational responsibilities of ensuring the opportunity of all members of the community to attain their educational objectives; or
  - b. responsibilities of protecting the health and safety of persons in the campus community, maintaining and protecting property, keeping records, providing living accommodations and other services, and sponsoring non-classroom activities such as lectures, concerts, athletic events, and social functions, whether the violation occurs on or off the college premises or inside or outside of the classroom. Such conduct or attempted conduct is forbidden.
2. The colleges' jurisdiction and discipline shall be limited to violations of the Community Standards and Student Code of Conduct.
3. The Community Standards and Student Code of Conduct (herein referred to as "the Code") applies to any person registered, accepted, or enrolled in any course or program offered by any CCSNH college including those who are not officially enrolled for a particular term but who have a continuing relationship with the colleges.
4. The Code applies to student organizations including athletic teams.
5. The Code applies to students participating in off-campus college activities such as trips, co-ops, or internships.
6. Students are expected to familiarize themselves with College and CCSNH policies and the Code. Lack of familiarity will not constitute an excuse for failing to meet these expectations.
7. The list of prohibited conduct is not all-inclusive, but is illustrative of conduct that may violate the above expectations, exposing a student or student organization to disciplinary proceedings and sanctions.
8. Residential students are responsible for the activities that occur in their assigned residence hall rooms and their shared living/common spaces. All assigned occupants of a room may be subject to the same sanction as the individuals directly responsible for the violation. Likewise, a student may be held accountable for any violation that is committed by the student's non-student guest.
9. Students who assist others in violating any provision of the Code may be charged with a Code violation to the same extent as those persons committing the violation.
10. Students who attempt conduct in violation of the Code, even if unsuccessful, may be charged to the same extent as a completed violation.

### B. Prohibited Conduct

Individuals who are subject to the Code shall be deemed in violation to the extent that they engage in any of the conduct outlined below:

1. Violation of published college policies, rules, or regulations;
2. Violation of federal, state, or local law;
3. Use, possession, sale, or distribution of narcotic or other controlled substances or purported controlled substances except as expressly permitted by law and college regulations;

4. Public intoxication or the use, possession, sale, or distribution of alcoholic beverages, except as expressly permitted by the law and college regulations;
5. Possession of firearms, explosives, other weapons, or dangerous chemicals on college premises (including in vehicles) except as authorized by the college.

### **C. Academic Misconduct**

Students are also prohibited from engaging in academic misconduct. Any of the following behavior shall also be a violation of the Code:

1. Acts of dishonesty including but not limited to the following:
  - a. Cheating, which includes, but is not limited to:
    - i. use of any unauthorized assistance from other persons or technologies in taking quizzes, tests, or examinations or in the preparation and completion of class assignments;
    - ii. dependence upon the aid of resources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
    - iii. the acquisition, without permission, of tests or other academic material belonging to a member of college faculty, staff, or students; or
    - iv. knowingly providing unauthorized assistance of any kind to another for the purpose of providing unfair advantage to the recipient in the completion of course assessments/assignments (sometimes known as facilitation);
  - b. Plagiarism, passing off the work of another as one's own, which includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in providing term papers or other academic materials via direct sale, barter, or other means.
2. Grading Authority: Authority over individual assignment or course grades is reserved to instructors. Therefore, a student who commits an act of academic misconduct may also be subject to academic consequences at the discretion of the instructor in the course. This can result in, but is not limited to, the student failing the course. A student who wishes to file a Grade Appeal should refer to CCSNH Academic Affairs Policy 670.04.

### **D. Disruption of College Operations**

Students are expected to comport themselves in a safe manner at all times while on any CCSNH campus. Students are required to consider their behavior not just in relation to themselves, but in relation to others in the school community. Any behavior that is deemed unsafe to the student or others around the student may be considered a disruption of college operations and shall be a violation of the Code. Behavior that may constitute a disruption of college operations includes, but is not limited to:

1. Disorderly conduct, including any behavior that obstructs or disrupts the regular or normal functions of the College or surrounding community, breaches the peace or violates the rights of others.
2. Failure to comply with the directions or interference of college officials, campus security personnel, or public law enforcement officers or emergency response/medical personnel acting in performance of their duties, including failure to identify oneself to these persons when requested to do so;

3. Furnishing false information to any college official, faculty or staff member;
4. Forgery, alteration, or misuse of any college document, record, or instrument of identification;
5. Tampering with the election process or financial management of any college recognized student organization;
6. Disruption or obstruction of any authorized college activity or of any authorized noncollege activity; or unauthorized occupancy of any college facility;
7. Failure to comply with directions of college officials, campus security personnel, or public law enforcement officers acting in performance of their duties, including failure to identify oneself to these persons when requested to do so;
8. Participation in a campus demonstration that disrupts the normal operations of the institution and/or infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area;
9. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by or participated in by the colleges.
10. Abuse of the Judicial System, including but not limited to:
  - a. Failure to obey the summons of a judicial decision maker/committee;
  - b. Falsification, distortion, or misrepresentation of information before the judicial decision maker/committee;
  - c. Disruption or interference with the orderly conduct of a judicial proceeding;
  - d. Attempting to discourage an individual's proper participation in or use of the judicial system;
  - e. Attempting to influence the impartiality of a member of the judicial decision maker/committee through threat, intimidation, or bribery prior to and/or during the course of the judicial proceeding;
  - f. Failure to comply with the outcomes or sanctions imposed under the Code;
  - g. Influencing or attempting to influence another person to commit an abuse of the judicial system;
  - h. Aiding or abetting in the violation of the Code.
11. Disruptive student behavior in a classroom or other learning environment (to include both on and off campus locations), which disrupts the educational process as defined by the instructor. Disruptive student behavior also includes engaging in threatening, intimidating, or other inappropriate behavior toward the instructor or classmates outside of class.

### **E. Health and Safety Offenses**

The following health and safety violations are illustrative of violations of the Code. Student behavior that jeopardizes health and safety shall constitute a violation of the Code, whether specifically listed below or not. Health and safety offenses that violate the Community Standards and Student Code of Conduct include, but are not limited to:

1. Unauthorized possession, duplication, or use of keys or key cards to any college premises or unauthorized entry to or use of college premises;
2. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions; Reckless or dangerous operation of a motor vehicle on campus which endangers persons or property, including operating a vehicle under the influence of alcohol and/or drugs.

3. Violation of the College Alcohol and Other Drug Policies.
4. Violation of CCSNH Firearms and Weapons on Campus Policy.
5. Violation of local, state, or federal law, or campus policies, related to fires and fire hazards.
6. Violation of the College Social Compact.

### **F. Offenses Involving Others**

Students may not engage in any behavior that limits the rights of others in the school community. Examples of violations of the Code involving others include, but are not limited to:

1. Physical or verbal abuse that threatens or endangers the health, well-being, or safety of any member or guest of the CCSNH community and includes verbal abuse that is sufficiently serious to deny or limit the victim's ability to participate in or benefit from the college's educational programs;
2. Intentionally or recklessly causing physical harm or abuse, injury, constraint on another's physical movement or threat of harm (stated or implied) toward another person.
3. Threats of harm or injury, either stated or implied, addressed directly to any member or guest of the CCSNH community or posted in an electronic medium to leave no doubt as to the intended target;
4. Acts of intimidation or coercion, whether stated or implied;
5. Offenses of domestic violence, dating violence and sexual assault; which would be referred to the campus Title IX officer.
6. Acts of harassment and/or retaliation, including discriminatory harassment, directed toward any member or guest of the CCSNH community.
  - a. Discriminatory harassment refers to the verbal or physical conduct that denigrates or shows hostility toward an individual on the basis of race, color, gender, sexual identity or expression, national origin, religion, age, physical or mental disability, and sexual orientation; or because of opposition to discrimination or participation in the discrimination complaint process.
  - b. Retaliation is any adverse action related to participation in an education program taken against a person because a person has filed a report or participated in any in the filing of an incident report or complaint, investigation or hearing process related to student conduct;
7. Hazing, which is defined in NH RSA 631:7 as "any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when:
  - a. Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and
  - b. Such act is a condition of initiation into, admission into, continued membership in or association with any organization;" and under this Code includes acts that endanger the mental or physical health or safety of a student, or that destroy or remove public or private property, for the purpose of initiation,
  - c. admission into, affiliation with, or as a condition for continued membership in, a group or organization.

### **G. Offenses Involving Property**

Access to campus facilities is a privilege. Students who engage in conduct that damages



campus property, personal property of another, or other public property will be subject to outcomes or sanctions under the Code. Offenses that shall constitute violations of the Community Standards and Student Code of Conduct include, but are not limited to:

1. Attempted or actual theft of and/or damage to property of the college or property of a member of the college community or other personal or public property;
2. Theft or other abuse of technological resources, including but not limited to:
  - a. Unauthorized entry into electronic files, to use, read, or change the contents, or for any other purpose;
  - b. Unauthorized transfer of electronic files or copyrighted software programs;
  - c. Unauthorized use of another individual's identification and password or key card;
  - d. Use of technological resources that interferes with the work of another student, faculty member, or college official;
  - e. Use of technological resources to send, publish, or display obscene, pornographic, threatening, or abusive messages;
  - f. Use of technological resources to receive; browse, store or view obscene or pornographic materials for other than college-approved research. Use of technological resources for criminal activity;
  - g. Use of technological resources to interfere with operation of the college computing system.

#### **H. Abuse of Judicial System**

A fair and impartial judicial system is the cornerstone of CCSNH's conduct process. Therefore, failure to abide by the rules of the judicial system shall constitute independent violations of the Code. Such violations include, but are not limited to:

1. Failure to obey the summons of a campus Official, Investigator, Judicial Decision Maker/Committee or Appeals Committee;
2. Falsification, distortion, or misrepresentation of information before the judicial decision maker/committee or appeals committee;
3. Disruption or interference with the orderly conduct of a judicial proceeding;
4. Attempting to discourage an individual's proper participation in or use of the judicial system;
5. Attempting to influence the impartiality of a member of the judicial decision maker/committee or appeals committee through threat, intimidation, or bribery prior to and/or during the judicial proceeding;
6. Failure to comply with the outcomes or sanctions imposed under the Code, including No-Contact Orders;
7. Influencing or attempting to influence another person to commit an abuse of the judicial system;

### **III. Violation of Civil/Criminal Law and CCSNH Community Standards and Code of Conduct**

- A. If a student is charged with a violation of the Community Standards and Student Code of Conduct that also constitutes a violation of a criminal statute, disciplinary proceedings may still be instituted against a student prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- B. When a student is charged by federal, state, or local authorities with a violation of law, the college will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before

a CCSNH college the judicial decision maker/committee, however, the college may advise off-campus authorities of the existence of the proceeding and of the internal handling of such matters within the college community. College officials, faculty and staff will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

#### IV. Violation of Community Standards and Code of Conduct Process

Within the outcomes and sanctions process, CCSNH strives to create a community of individuals who support each other. This is accomplished through an educational restorative process.

##### A. Outcomes & Sanction Definitions

1. **Warning:** A notice in writing or verbally to the student that they are violating or have violated community standards.
2. **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found during the period of probation to be violating any institutional regulations
3. **Loss of Privileges:** Denial of specified privileges for a designated period of time (e.g., social probation, vehicular privileges, deactivation of a group, limited access to facilities, *persona non grata*)
4. **Loss of Contact:** Restriction prohibiting an individual from harassing, threatening, accosting, approaching, or contacting a specified individual
5. **Fines:** Previously established and published fines may be imposed.
6. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
7. **Residence Hall Suspension:** Separation from the residence halls for a definite period of time, after which the student, group, or organization is eligible to return. Conditions for readmission will be specified.
8. **Residence Hall Expulsion:** Permanent separation from the residence halls.
9. **Class/College Suspension:** Separation from class(es) or the college for a definite period of time, after which the student, group, or organization is eligible to return. Conditions for readmission will be specified.
10. **College Dismissal/Expulsion:** Permanent separation from all CCSNH colleges, which may include loss of campus visitation privileges.
11. **Adaptable Resolution Pathway:** Such as an educational or service sanctions: Imposed in addition to or in lieu of the above sanctions; examples of such sanctions include but are not limited to work assignments, service to the college, written letter of apology, and mandatory meetings with a college official. Such sanctions require the approval of any person(s) whose participation is required for the completion of the sanction(s).
12. **Informal Resolution:** The Vice President of Student Affairs (or designee) may meet with individuals involved in an incident to determine if the alleged violation(s) have merit and/or if they can be resolved through an informal resolution. Informal resolution could include mediation, restorative conference, mutual agreement, negotiated resolution or another form of conflict resolution. During the informal resolution process, parties agree to the violations of the community standards and

come to an agreement about the actions necessary due to the violation. Informal resolution outcomes are final and there are no appeal or other proceedings.

13. **Interim Sanctions:** In certain circumstances, the President or Vice Presidents of the college, or a designee, may impose a sanction prior to the hearing before the judicial decision maker/committee. Interim sanctions may be imposed only a) to ensure the safety and well-being of members of the college community or preservation of college property; b) to ensure the student's own physical or emotional safety and well-being; or c) to ensure the normal operations of the college. Notification of the imposition of interim sanctions must be communicated to the college official as soon as is practical, as well as to the appropriate Vice President (if the Vice President did not originate the imposition of sanctions).

## **B. Responding to Reports of Violations of Community Standards**

1. **Training:** All individuals involved in conducting disciplinary proceedings and appeals shall receive annual training on the student code of conduct, investigations, and the hearing process; this shall include training on how to conduct an investigative and hearing process that protects the safety and welfare of complainant and responded and promotes accountability.
2. **Filing a Report**
  - a. Any person who witnesses or learns of a potential violation of the Community Standards and Student Code of Conduct may report the incident to the appropriate Judicial Decision Maker/Committee by filing an incident report.
  - b. Incident report forms may be obtained on the college website. Information in the incident report should include but not be limited to the following.
  - c. Reporting person's name, address, phone, and student identification number (contact information and ID number shall not be released to the Respondent without written permission of the person reporting the incident);
    - i. Date, time, and location of incident;
    - ii. Person(s) involved in the incident;
    - iii. Victim(s) or damages involved in the incident;
    - iv. Complete narrative description of the incident;
    - v. Name of Witnesses to the incident;
    - vi. Any other information deemed appropriate.
3. **Investigation and Resolution of Complaint by Judicial Decision Maker/Committee**

In most circumstances, the following procedure shall apply to the Judicial Decision Maker/Committee. In some circumstances, federal law dictates that a different procedure shall apply, which will be set forth in the appropriate policy and communicated to the relevant parties in a timely fashion.

- a. The fact that a complaint has been filed creates no presumption that the Respondent has committed the alleged offense. The complaint will be referred to the appropriate Judicial Decision Maker/Committee, which will investigate (or request a formal investigation by an impartial investigator) and hear all complaints and may
  - i. dispose of the complaint as unfounded;
  - ii. mediate an informal resolution; or
  - iii. issue (or recommend to be issued) sanctions as described in Section IV above.
- b. The Respondent and the Complainant, where applicable, have the right to be assisted by an advocate of their choice. An advocate, however, is not permitted to

- speak or to participate directly in any investigation or hearing before the Judicial Decision Maker/Committee.
- c. Within five (5) business days after the Respondent has been notified of the report, the Judicial Maker/Committee shall set a date and time for an initial hearing.
  - d. At the initial hearing, the Judicial Decision Maker/Committee may receive evidence from the Complainant and the Respondent regarding any interim sanctions and shall determine whether
    - i. the complaint should be disposed without further investigation and a report issued setting forth the findings and the sanctions, if any, to be imposed;
    - ii. mediation is appropriate; or
    - iii. a formal investigation is required. In the event a formal investigation is required, the Judicial Decision Maker/Committee will accept the findings of the investigator(s) and provide a report of the findings to respondent.
  - e. If the Respondent is not in attendance at the judiciary hearing, the Judicial Decision Maker/Committee may proceed with what evidence has been submitted.
  - f. Whether the investigation is completed by the Judicial Decision Maker/Committee or an impartial investigator, all findings will be based on a preponderance of the evidence; i.e., evidence that would lead a reasonable person to believe that it was more likely than not that the Respondent committed the alleged offense.
  - g. If the investigator's report contains a finding that the Respondent committed the alleged offense, a time shall be set for an outcome or sanctions hearing before the Judicial Decision Maker/Committee to be held not less than one day nor more than ten days after the investigation report is issued.

## **C. Judicial or Appeals Committee Process**

### **1. Judicial/Appeals Committee Membership**

- a. A designated College Official will be appointed as the Chair of the Judicial or Appeals Committee by the college president, vice president or designee.
- b. When possible, a committee membership will be made up of the suggested members below:
  - i. Two (2) faculty or staff selected based on the specifics of the case being heard
  - ii. Student representation based on the college's practice of appointing or electing student judiciary members.
  - iii. When a case involves residential life there should be a representative from that population on the committee
- c. During the summer or vacations, a meeting may be called and members will be selected as follows:
  - i. Regular members (as determined above) will serve, if available
  - ii. In the event sufficient regular members are not available, the designated College Official will appoint additional members as necessary to reach a quorum and in such a manner as to reflect the original representation of the committee.
- d. The Vice President of Student Affairs has the right to change the number and makeup of the judiciary or appeals committee as required to meet the needs of the campus, schedule availability, or the complaint at hand.
- e. If the complaint has been brought by a member of the Judicial or Appeals Committee or the Vice President of Student Affairs, he/she shall recuse him/herself from the Committee's deliberations and voting.

### **2. Judicial/Appeals Committee Hearings**

- a. The VPSA or designee may determine if a grievance or appeal should be heard by a Judiciary Decision Maker or a Judiciary Committee.
- b. In the case of a Judiciary Committee, a minimum of three (3) members (including the Chair) shall constitute a quorum to conduct a hearing. If three appointed members are not available due to recusals or for other reasons, additional members shall be selected by the designated College Official pursuant to the methodology set forth in section c below.
- c. The Vice President of Student Affairs has the right to change the number and makeup of the appeals committee as required to meet the needs of the campus, or the complaint at hand.
- d. Hearings shall be conducted by the Judiciary or Appeals Committee according to the following guidelines:
  - i. The parties shall receive written advance notification informing them of the allegations set forth in the complaint, the time, date and place of the hearing.
  - ii. The Respondent may remain silent or submit only a written statement or response to the complaint.
  - iii. Hearings normally shall be conducted in private. Admission to the hearing of any person not directly involved with the proceedings shall be at the discretion of the chairperson of the Judiciary or Appeals Committee.
  - iv. When more than one individual is charged with the same violation, each Respondent shall have the right to an individual hearing. Otherwise, the cases may be heard jointly.
  - v. The Complainant and the Respondent have the right to be assisted by an advocate they choose. The Complainant and/or the Respondent, however, are each responsible for presenting their own case and, therefore, advocates are not permitted to speak or to participate directly in any hearing before the Judiciary or Appeals Committee.
  - vi. The Complainant, the Respondent and the Judiciary or Appeals Committee shall have the right to call witnesses. They also have the right to present pertinent records, exhibits, and written statements for consideration by the judiciary or appeals committee. All questioning of the Complainant, the Respondent, and witnesses will be conducted by the judiciary or appeals committee.
  - vii. In certain cases, when a complaint has been brought by an individual who is either unable or unwilling to present the case, the college may appoint a representative to present the case. In these instances, a College Official or the impartial investigator will consult with the Judiciary or Appeals Committee to determine the appropriateness of serving in this role.
  - viii. All procedural questions are subject to final decision by the chairperson of the Judiciary or Appeals committee.
  - ix. After the hearing, the Judiciary or Appeals Committee shall determine based upon the evidence presented at the hearing (by majority vote) whether the Respondent Student has violated the Code. The chairperson will vote only in the event of a tie.
  - x. The Judiciary or Appeals Committee determination shall be made on the basis of whether it is more likely than not that the Respondent committed the alleged offense and thereby violated the Code.

- xi. The Judiciary or Appeals Committee will issue a report of its findings and sanctions to be imposed to the appropriate College Official within three (3) business days of the completion of its hearings on the matter.
- xii. The College Official will provide written notification of findings and sanctions to the Complainant and the Respondent Student, and administrative offices on a need-to know basis. The original will be maintained with the college's judicial records.
- e. The Chair of the Judicial or Appeals Committee shall be responsible for making a record of the hearing. There shall be a single record (whether written minutes, audiotape or other record) of all hearings before the Judiciary or Appeals Committee. The records shall be the property of the college and may only be reviewed by the parties or college official upon providing a written request to the appropriate College Official.
- f. Except in the case of a student charged with failing to obey the summons of the Appeals Committee, Judicial Decision Maker/Committee or College Official, no student may be found to have violated the Community Standards and Student Code of Conduct solely because the student failed to appear before the Judicial Decision Maker/Committee or Appeals Committee. In all cases, the evidence in support of the charges shall be presented and considered.
- g. The decision of the Appeals Committee is not subject to further appeal by the student. Any step, sanction, or decision within the judiciary process is open to review by the Vice President or designee.

#### **D. Student Violation Appeals Process**

1. A Respondent may appeal a disciplinary action by filing a written appeal with the College Official/Appeals Committee within five (5) business days of being informed of the outcome or sanction being imposed. The imposed outcome or sanction remains in effect during the appeal process. The written appeal must indicate the grounds for reversing the outcome or sanction. Grounds for appeal shall be limited to:
  - a. The original hearing/investigation was not conducted fairly and in conformity with prescribed procedures (see 3 above);
  - b. New and relevant evidence, sufficient to alter the decision, has been revealed that was not brought out in the original hearing, because such evidence and/or facts were not known at the time of the original hearing;
  - c. Inappropriate gravity of the sanction in relation to the offense.
2. The College Official/Appeals Committee has three (3) business days from the receipt of the appeal to determine whether the basis set forth in the appeal falls within the grounds allowed for appeal and to inform the appealing student in writing. If the College Official/Appeals Committee determines that the case does not fall within the grounds allowed for appeal, then the previous adjudication stands. If the College Official/Appeals Committee determines that the case does fall within the grounds allowed for appeal, the College Official/Appeals Committee may:
  - a. Meet with the Judicial Decision Maker/Committee who issued the original disciplinary action to discuss a possible modification or rescission, as

appropriate. If a decision to modify or rescind is not reached, the appeal will be forwarded immediately to the Appeals Committee

- b. Immediately forward the appeal to the Appeals Committee for consideration.
3. All preliminary processing of appeals will be concluded within five (5) business days unless the College Official/Appeals Committee determines that there are specific articulated extenuating circumstances (e.g., absence of key parties) that require an extension.
4. The College Official/Appeals Committee will provide notification of the outcome of the preliminary processing of the appeal in writing within three (3) business days of the decision to the respondent and, as applicable, the Complainant, and any administrative offices involved.
5. The decision of the Appeals Committee is not subject to further appeal by the student. Any step, sanction or decision within the judiciary process is open to review by the Vice President or designee.

## V. Student Rights

### A. Students in the Classroom

The classroom environment should encourage free discussion, inquiry and expression. Student performance must be evaluated on the basis of academic performance. At the same time, students are responsible for maintaining standards of academic performance established for each course in which they are enrolled. Students are responsible for learning the content and maintaining academic standards for any course of study, but in so doing, they have the right to take substantiated exception to the data or views presented in class, and they are responsible for learning the content of any course of study for which they are enrolled. Information about the personal views, beliefs, and political associations of students' which instructors, advisors and counselors learn in their course of work should be considered confidential.

### B. Student Freedom Off-Campus

Students are both citizens and members of an academic community with rights of freedom of speech, peaceful assembly and petition. Administrative officials and faculty members should not employ institutional powers to inhibit the intellectual and personal development of students as promoted through the exercise of citizenship rights on and off campus. Where activities of students off-campus result in the violation of law and interrogation by investigators, the colleges should:

1. Not duplicate the function of general laws until the college's interests as an academic community are distinctly and clearly involved;
2. Not subject the student to a greater penalty than would normally be imposed if the off-campus violation incidentally violates an institution regulation;
3. Take appropriate action independent of community pressure.

### C. Freedom of Association

Students should be free to organize and join associations to promote their common interests. Affiliations with an external organization should not of itself disqualify a student organization from institutional recognition. Student organizations must submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers. Campus organizations should be open to all students without respect to race, creed or origin, except

for religious qualifications which may be required by organizations whose aims are primarily sectarian.

#### **D. Freedom of Inquiry and Expression**

Students and student organizations shall be free to examine and discuss all questions of interest to them and to express opinions publicly and privately. At the same time, it should be made clear that in their public expressions or demonstrations students or student organizations speak only for themselves and not for the college, CCSNH, its board of trustees or employees. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by a college before a guest speaker is invited to appear on campus should be designed only to ensure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that presence of guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or by the college.

#### **E. Student Participation in College Government**

The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of student government and both its general and specific responsibilities should be made explicit and the actions of student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

#### **F. Student Publications**

College authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their development, and the limitations on external control of their operation. Editorial freedom entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, unsubstantiated allegations and attacks on personal integrity, and the techniques of harassment and innuendo.

#### **G. Establishing Student Conduct Standards**

1. Conduct: In developing responsible student conduct and disciplinary procedures, the CCSNH and its colleges should:
  - a. Establish and communicate, through publication, those standards of behavior which are considered essential to the educational objective and community life.
  - b. Initiate disciplinary proceedings only for violations of standards of conduct formulated or published.
  - c. Formulate and communicate disciplinary procedures, including the student's right to appeal a decision.
2. Search and Seizure within the Student Conduct Process: CCSNH regards the right of privacy as an essential freedom. Occupied premises, assigned lockers, privately owned automobiles or any other personal property owned or controlled by a student may not be searched without consent of the student except in the circumstances noted below. Before a search is conducted, school officials may have reasonable grounds to believe that the search will turn up evidence that the student has violated, or is violating, either the law or school rules. All searches will be reasonable and



justified from their inception and reasonable in scope:

- a. Residential Life health and safety inspections, Thanksgiving Break Closings, Winter Break Closings and Spring Break closings to insure the health, cleanliness, safety and maintenance of the Residence Halls. During inspections, if a policy violation comes to the attention of the staff (ex. candle), it may be addressed judicially.
- b. Routine inspections, emergency repairs, and/or routine maintenance. Such activities do not normally include searches, but are for the purpose of inspection, maintenance and repair.
- c. Entries authorized in advance by the President or Vice President of Student Affairs (or designee) in writing based upon reasonable information that such entry is necessary for the purpose of detecting and removing items, including but not limited to, weapons or other contraband which violate a law or a school rule or pose a threat to the health and safety of students, faculty, staff or guests. The scope of any search conducted pursuant to this authorization shall extend no further than is necessary to secure and remove the item(s).
- d. Entries and searches authorized by law. Entries and searches conducted by duly and authorized law enforcement officials under circumstances authorized by law.
- e. Entry may be made to ensure the health and safety of occupants. Examples include, but are not limited to, fire or alarm evacuations, smell of smoke or burning items, and concern for non-responsive occupants.
- f. Appropriate staff may enter if there is a reasonable belief that evidence exists that a violation of a college policy is taking place. Efforts will be made to seek compliance from the residents of the space before this type of entry is made.

## VI. Student Rights–Grievance Procedures

All members of the CCSNH community are encouraged to make efforts to resolve conflicts informally before pursuing grievance or complaint procedures whenever appropriate. Students are encouraged to talk with or respond in writing to other students, faculty, or staff members to seek resolution to their concerns. In some cases, the institution acknowledges that such action may be inappropriate and/or ineffective in situations regarding potential discrimination or when there is the potential of an imbalance of power. In such situations, or if informal resolution is not possible, the student may pursue the complaint procedures described below to resolve concerns involving another student, faculty or staff.

- A. **Student Alleged Discrimination Process:** If a student feels they have been experienced bias or discrimination based on race, creed, color, religion, ancestry or national origin, age, sex, sexual orientation, gender identity and expression, physical or mental disability, genetic information, or law enforcement, military, veteran, or marital status, they should use this process to report. As stated above, a student may elect to resolve a conflict informally first. Please note a student is never required to confront a faculty or staff member in situations regarding discrimination. In any situation regarding discrimination in regards to sex, sexual orientation, gender identity or expression students should contact the Title IX coordinator at their home campus. The Title IX process can be found [here](#).

1. If the individual elects not to resolve the matter informally a formal grievance in writing must be submitted to:
  - a. The Vice President of Student Affairs for grievances not related to the instructional process or grade dispute.
  - b. Or through the chosen reporting structure set forth at the college.
2. The grievance should be submitted as soon as the complainant is able to report. A grievance that is submitted past a timely period will be evaluated to the extent the appropriate College Official is able to investigate. Timely reporting allows the college to follow up with the respondent in an appropriate fashion. The grievance shall specify the discrimination or event that took place and state briefly the underlying facts.
3. The Vice President of Student Affairs (VPSA), or designee, will meet with the individual alleged to have violated the student's rights. The VPSA, or designee, may attempt to resolve the issue informally at this stage. If resolution is not possible and the VPSA or designee determines that the grievance alleges facts which if true constitute a violation of the student's rights and has been timely filed, the matter will be forwarded to the College Official who convene the Judicial Committee within two weeks of the receipt of the formal grievance.
4. If the VPSA or designee determines that the grievance does not state a violation of the student's rights or is untimely, the VPSA or designee will provide a written explanation to the student and the matter will be considered resolved at that point.

**B. General Student Grievance: (Not including Grade Appeal)**

1. Students are encouraged to discuss complaints regarding faculty, teaching instruction, or staff interactions with the specific employee involved, e.g., instructor, staff member, or student, to resolve the issue informally.
2. If the issue cannot be resolved by pursuing the process in step 1, or the individual is concerned regarding the outcome of the discussion in step 1, a formal grievance in writing must be submitted to:
  - a. The Vice President of Academic Affairs for grievances related to the instructional process (Refer to CCSNH Academic Affairs Policy 670.04. for separate process for Grade Change/Appeal process), or:
  - b. The Vice President of Student Affairs for grievances not related to the instructional process.
3. The grievance should be submitted as soon as the complainant is able to report. A grievance that is submitted past a timely period will be evaluated to the extent the appropriate College Official is able to investigate. Timely reporting allows the college to follow up with the respondent in an appropriate fashion. The grievance shall specify the discrimination or event that took place and state briefly the underlying facts.
4. The Vice President of Academic Affairs (VPAA) or Student Affairs (VPSA), or designee, will meet with the individual alleged to have violated the student's rights. The VPAA/VPSA, or designee, may attempt to resolve the issue informally at this stage. If resolution is not possible and the VPAA/VPSA or designee determines that the grievance alleges facts which if true constitute a violation of the student's rights and has been timely filed, the matter will be forwarded to the appropriate College Official who will start the process of investigation if necessary. If the VPAA/VPSA or designee determines that the

grievance does not state a violation of the student's rights or is untimely, the VPAA/VPFA will provide a written explanation to the student and the matter will be considered resolved at that point.

**C. Student Grade Appeal: Refer to CCSNH Academic Affairs Policy 670.04.**

## 730.07 Statement of Non-Discrimination

*Date Approved: 11/3/2022*

*Date Effective: 1/17/2023*

*Date of last Amendment: 11/3/2022*

*Approved by: System Leadership Team*

The Community College System of NH does not discriminate in the administration of its admissions and educational programs, activities, or employment practices on the basis of race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, disability, gender identity or expression, genetic information, or veteran status. This statement is a reflection of the mission of the Community College System of NH and the Colleges and refers to, but is not limited to, the provisions of the following laws:

- Civil Rights Act of 1964
- The Age Discrimination Act of 1967
- Education Amendment of 1972
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1975
- Section 402 of the Vietnam Era Veteran's Readjustment Assistance Act of 1974
- NH Law Against Discrimination (RSA 354-A)

Inquiries regarding discrimination may be directed to the CCSNH Title IX Coordinator, 26 College Drive, Concord, NH 03301, (603) 230-3500 and/or the College Title IX Coordinator(s) designated at each campus. (Insert Campus specific Title IX Coordinator) Inquiries may also be directed to the US Department of Education, Office of Civil Rights, Region 1, 1875 JFK Federal Building, Boston, MA 02203, (617) 565-1340; the NH Commission for Human Rights, 2 Chenell Drive, Concord, NH 03301, (603) 271-2767; and/or the Equal Employment Opportunity Commission, JFK Federal Building, Boston, MA 02203, (617) 565-3200.

## 730.09 Timely Warnings & Emergency Notification Policy

*Date Approved: 9/9/2015*

*Date Effective: 9/9/2015*

*Date of last Amendment: 9/9/2015*

*Approved by: Ross Gittell, Chancellor*

### Policy Statement

Timely Warnings and Emergency Notifications will notify members of the College community of potential threats against which they can take preventive measures.

### VII. Policy Purpose

In compliance with the Higher Education Opportunity Act (HEOA) of 2008, and the Jeanne Clery Act, 20 U.S.C. 1092(f), the purpose of this policy is to set forth the procedures by which

the CCSNH will provide emergency notification or timely warning to the College community in the event that a significant emergency or dangerous situation is reported that poses an immediate, imminent, or impending threat to members of the College community; or a crime or incident is reported that poses a threat to members of the College community.

### VIII. Scope of Policy

Timely warnings will be issued in response to reported crimes committed either on campus or, in some cases, off campus that, in the judgment of the College, constitute a serious or continuing threat to members of the College community.

Timely Warnings are disseminated for the following FBI Uniform Crime Report/National Incident Based Reporting System Classifications: arson, criminal homicide, sex offenses (forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape), robbery, aggravated assault, burglary, and hate crimes. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case, and the information known to the CCSNH. For example, if an aggravated assault occurs between two students who have a disagreement, there may be no ongoing threat to other members of the College community; therefore, a Timely Warning would not be disseminated.

Emergency notifications will be issued in response to a significant emergency or a dangerous situation, either on campus or, in some cases, off campus that, in the judgment of the College, constitute an immediate, imminent, or impending threat to the health or safety of members of the College community.

### IX. Timely Warning Protocol

The issuing of a timely warning notice must be decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

In an effort to provide timely notice to the College community, and in the event of a serious incident which may pose a threat to members of the College community, an email Timely Warning is sent to all students, faculty and staff.

Updates to the College community about any particular case resulting in a Timely Warning may be distributed via email, may be posted on the College website, or may be shared with local news media.

The College may not provide Timely Warnings about those crimes reported to a pastoral or professional counselor.

All crime reports requiring a decision to issue a Timely Warning shall be documented on a Timely Notice Determination Form detailing why the College did or did not issue a Timely Warning.

The College must maintain a record of each Timely Notice Determination Form for seven (7) years from the date the form was completed.

### X. Emergency Notification Protocol

Emergency notification is issued immediately upon confirmation that a dangerous situation or emergency exists or threatens.

- Alert System- Email, text messages and voice mail messages (where appropriate) are automatically generated.
- Website Updates- information will be posted to the College's website

The Emergency Management Group, or select members of management are responsible for determining the deployment of the Alert system for use in disseminating emergency notification/information. The College President or designee will issue all Emergency Alerts.

## XI. Timing, Content, and Decision Criteria for a Campus Timely Warning or Emergency Notification

### A. Timely Warning

- The warning should be issued as soon as the pertinent information is available because the intent of a campus timely warning is to alert the campus community of continuing threats, especially concerning safety, thereby enabling community members to protect themselves.
- The warning should include all information that would promote safety. Generally, the warning will specify the type of reported crime, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim and to protect.

### B. Emergency Notification:

- A statement as to what the emergency or dangerous situation is, in specific terms;
- A statement providing direction as to what actions the receiver of the message should take to ensure their own safety;
- A statement as to where or when additional information may be obtained.

## 740.01 Domicile and Tuition Rate

*Date Approved: 3/18/2008*

*Date Effective: 8/24/2020*

*Date of last Amendment: 8/24/2020*

*Approved by: Richard A. Gustafson, Chancellor*

1. All students attending colleges in the CCSNH in any capacity shall be charged tuition at a rate to be determined by their domicile. Those domiciled within the State of New Hampshire shall pay the in-state rate. Those domiciled elsewhere shall pay the out-of-state rate.
2. Domicile, Emancipated Person, and Parent Defined:  
  
"Domicile" denotes a person's true, fixed and permanent home and place of habitation. It is the place where he/she intends to remain and to which he/she expects to return when he/she leaves without intending to establish a new domicile elsewhere.

No person shall be deemed to be “emancipated” unless his/her parent has entirely surrendered the right to the care, custody and earnings of such person and unless his/her parent is no longer under any legal obligation to support or maintain such person or, having supported and maintained such person even though under no legal obligation to do so, has ceased to support or maintain such person. Emancipation shall not be found unless all such tests are met.

The term "parent" shall mean the individual or individuals names on the unemancipated person’s birth certificate; or a legal guardian or legal custodian of the unemancipated person provided that there are no circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person; or an individual who can claim the unemancipated person as a dependent on the previous year’s IRS 1040 tax return. (amended 6/17/08)

### 3. Domicile: Conditions for Eligibility

- a. No unemancipated person shall be eligible for in-state tuition unless his/her parent shall have established domicile in this state.
- b. The domicile of an unemancipated person is that of his/her parents, or if his/her parents are separated or divorced, that of the parent who has custody of him/her.
- c. The domicile of an unemancipated person who has no parents is that of his/her guardian or other legal custodian, unless it appears that such guardianship or custodianship was created for the purpose of establishing an in-state status.
- d. The domicile of any person who first enters the system from the domicile of his/her parent, as defined in subparagraph 3 above, is that of his/her parent until he/she abandons such domicile, and acquires a new domicile.
- e. The domicile of any person who first enters the system from a domicile other than New Hampshire is such a domicile until he/she abandons such domicile and, for purposes other than that of his/her education, acquires a new domicile.
- f. Attendance at the Colleges or at any other educational institution in this State in itself shall not be evidence of intention establish or establishment of a domicile in this State.
- g. No person shall be eligible for in-state tuition status unless he/she establishes that his/her residence in New Hampshire is for some purpose other than the temporary or primary one of obtaining an education.
- h. International Students (as defined in 740.05) throughout their Duration Status, are not eligible for in-state or New England Regional tuition rates for day courses at any time while enrolled at a CCSNH college.

### 4. Domicile – Exception for Military Personnel

A member of the active duty Armed Forces of the United States stationed in this state under military orders, or stationed in a contiguous state but temporarily living in New Hampshire, shall be entitled to classification for himself/herself, spouse and dependent children as in-state for tuition purposes so long as said orders remain in

effect and residence in New Hampshire is continued.

Furthermore, military personnel who are residents of another state but choose New Hampshire as their residence within 90 days of being discharged from the military will be considered New Hampshire residents and charged in-state tuition. (amended 6/17/08)

#### 5. Domicile - Evidence of Proof

All evidence relevant to determining domicile may be considered, but the following shall, in any case, be relevant, without limiting in any way such other information as the applicant may wish to submit or the college Admissions Office may wish to require:

- a. Payment or non-payment of any tax levied by the State or any political subdivision on a person's residence or domicile thereon.
- b. Residence reported on any federal or state tax return.
- c. Registration of one's automobile.
- d. State issuing one's driver license.
- e. Receipt of support in whole or in part from parents who are resident or domiciled outside the State of New Hampshire.
- f. Voting residence.
- g. Claim by any non-resident parent that the applicant is a dependent for tax or any other financial purpose.
- h. Regular departure by an applicant from the State of New Hampshire during recesses or vacations from the colleges.
- i. The filing of any claim for benefits under any policy of insurance or any federal, state, or local benefit legislation based on residence or domicile outside the State of New Hampshire.
- j. Status in some other state which would qualify a person for in-state tuition in that state.

#### 6. Emancipation - Conditions for Eligibility

No person shall be deemed to be emancipated unless his/her parent, as defined in subparagraph 1. above has entirely surrendered the right to the care, custody and earnings of such person and unless his/her parent is no longer under any legal obligation to support or maintain such person or, having supported and maintained such person even though under no legal obligation to do so, has ceased to support or maintain such person. Emancipation shall not be found unless all such tests are met.

#### 7. Emancipation - Evidence of Proof

The following shall be evidence of emancipation, but shall not be exclusive, and other evidence may be submitted by an applicant and/or demanded by the college's Admissions Office:

- a. Lack of financial support of the person by the parent;
- b. Lack of contribution to the parent of any earnings or other income received by the person;
- c. Failure of the parent to claim the person as a dependent on his/her income or other tax returns;
- d. Establishment by the person of a domicile separate and apart from that of the parent;
- e. Failure of the person to return to the home of the parent during vacations and other recesses from school.

## 740.02 Determination of In-State Status

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

1. Each applicant for in-state status for tuition purposes shall submit an application on forms to be prescribed by the college Admissions Office which shall include a sworn statement certifying that the applicant is legally domiciled within the State of New Hampshire. The application shall also include such additional information as the Admissions Office may require in support of the affidavit of domicile. At its discretion, the Admissions Office may require resubmission of an application form from any in-state student prior to the commencement of each semester the student plans to attend the College.
2. A student shall be classified as in-state or out-of-state for tuition purposes at the time of his/her first admission to the system. In the first instance the college Admissions Office will make the decision based upon information furnished by the Student's application and other relevant and available information.
3. Any student who is aggrieved by the decision of the college Admissions Office classifying him/her as an out-of-state student for tuition purposes may appeal in writing to the President of the appropriate institution or his/her designee. The student shall have the right to present to the President or his/her designee such additional evidence as he/she may deem appropriate in processing his/her appeal, and shall have the right to appear in person and be heard.
4. In all cases of application for in-state status for tuition purposes, the burden of proof shall be on the applicant. At the applicant's request, the Admissions Officer shall state the reason or reasons for his/her decision in writing.

## 740.03 Change in Status

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 6/17/2008*

*Approved by: Richard A. Gustafson, Chancellor*

1. Any student who has, on his/her first admission to the system, been classified as out-of-state for tuition purposes, may apply to the college Admissions Office for a change



of status on or before September 1 for the subsequent Fall semester, on or before January 1 for the subsequent Spring semester, and on or before June 1 for the subsequent summer term. (amended 6/17/08)

2. In the event the college Admissions Office possesses facts or information indicating that a student's status should be changed from in-state to out-of-state, the student shall be informed in writing of the change of status. The student may appeal the decision of the college Admissions Office as hereinabove set forth. No such change made by the Admissions Office after the commencement of any semester shall be effective until the beginning of the next semester.
3. No changes approved during a semester shall be effective until the beginning of the following semester. However, if a change of status from out-of-state to in-state has been denied by the Admissions Office prior to the commencement of a semester, and the decision is reversed through appeal during the semester, the student's status shall be effective as of the commencement of the semester in which the appeal was made.

## 740.04 Waiver

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

Nothing contained in 740.01 - 740.03 shall preclude the college Admissions Office from waiving any requirement hereof under special circumstances in individual cases.

## 740.05 International Student Admissions

*Date Approved: 3/18/2008*

*Date Effective: 9/1/2011*

*Date of last Amendment: 5/17/2011*

*Approved by: Richard A. Gustafson, Chancellor*

International Student is a student who is in the United States as a non-immigrant with a temporary visa such as the F-1 Student Visa. The term does not include students who are foreign-born but hold a Lawful Permanent Resident (LPR) status. LPR status is legally permitted to live and work in the United States permanently. Other eligible noncitizens given LPR status include but are not limited to: Refugees, Victims of Human Trafficking, and Persons Granted Asylum.

Admission of International Students and College/Program Access Criteria Access to programs is determined by the following factors:

1. Capacity: Programs with limited capacity may give preference to qualified New Hampshire residents and veterans.
2. The CCSNH colleges will consider for admission those persons who hold:
  - a. An appropriate and valid visa;
  - b. Application. A completed application must be submitted to the specific college's Office of Admission.

- c. Credentials. Submit original or certified true copies of all certificates and grade reports received upon completion of secondary and postsecondary work. These credentials must include a list of the subjects which were studied, the minimum passing grade and maximum possible grade in each subject and the grade which was earned in each subject. If these credentials are not in English, they must be accompanied by English translations.
- d. Language Proficiency. Proficiency in English is required. Applicants whose native language is not English must submit one of the following:
  - (1) TOEFL (Test of English as a Foreign Language) or an equivalent assessment instrument such as the MTELP (Michigan Test of English Language Proficiency) as used by NHTI

TOEFL Scores: A minimum score of 500 on the paper and pencil test; or 173 on the computer based test; or 61 on the Internet-based test is required.

- (2) Transferable English Composition Course: Must be completed at a U.S. college or university with a minimum grade of "C".
- (3) Graduation plus documentation from an English speaking high school.

### 3. Insurance

International students are required to show evidence of major medical insurance coverage upon registration. Insurance coverage provided through parental plans may be utilized when applicable.

### 4. Financial Verification

Before admission, an applicant must demonstrate economic self-sufficiency. Applicants are required to submit a \$100 non-refundable International Admissions fee, and an up-to-date financial support statement from a sponsor and a bank that testifies to the sponsor's willingness and capacity of supporting the student while enrolled.

An International Exchange Student may be admitted according to the terms of the agreement signed with the sending institution/agency in coordination with CCSNH International Student Admissions policies and procedures.

Upon completion of the steps listed above, applicants will receive a letter of acceptance and a Form I-20 (Certificate of Eligibility). The Form I-20 is required by the U.S. Citizenship and Immigration Services (USCIS) in the Department of Homeland Security (DHS) for entry into the U.S. on a Student Visa.

International students are requested to file this application at least ninety (90) days in advance of the expected entrance date.

### 5. Financial Assistance

International students are required to demonstrate financial resources for tuition, fees and

living expenses. Students in good academic standing may receive some financial assistance as approved by the President, subject to State and Federal guidelines.

- a. Limited scholarship assistance for international students may be available as approved by the President and the Board of Trustees.
- a. On-campus employment. International students holding a F-1 Visa may apply for consideration for on-campus student employment. Eligibility does not guarantee employment.

## 740.06 Admissions – Home Schooled Students

*Date Approved: 10/21/2008*

*Date Effective: 10/21/2008*

*Date of last Amendment: 10/21/2008*

*Approved by: Richard A. Gustafson, Chancellor*

The Community College System of New Hampshire (CCSNH) encourages applications from students who are home-schooled. While the nature of home schooling is inherently unique to each student, the Colleges require appropriate documentation to determine admission. Applicants are expected to meet the same general and specific admission requirements (or their equivalent) as other applicants and to document the academic work they have accomplished. Documents to be submitted may include the following:

1. A letter or other documentation from the student's local school district stating that the student has completed a home school program at the high school level.
2. A list of courses taken and grades earned and/or portfolio of work accomplished.
3. GED or other testing, if applicable.

## 740.07 Assessment of Applicant Submitted Documents (formerly 660.02)

*Date Approved: 6/6/2024*

*Date Effective: 6/6/2024*

*Date of last Amendment: 6/6/2024*

*Approved by: Mark Rubinstein, Chancellor*

Admissions shall evaluate all documents received as part of an application for admission for authenticity. If an Admissions department has any reason to believe that an academic document such as a high school diploma or transcript has been altered or is not authentic, they should contact the issuing educational institution to verify authenticity. If the documents are found to not be authentic, consider taking some or all of the following steps as appropriate to the situation:

1. Withdraw the student's application, following existing procedures for documentation of fake/fraudulent applications
2. Contact the applicant and request that an official transcript be sent directly from the educational institution.
3. If a current CCSNH student, refer for action as a potential violation of the Student Code of Conduct.

For legal documents that are deemed to be not authentic like passports or drivers licenses, the Admissions department will request that the applicant present the original document in person to Admissions, and report results of that request to Risk Management before

proceeding with any referral. The CCSNH Director of Risk Management will then contact law enforcement agencies for possible criminal activity.

## 750.01 Financial Aid

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

It is the responsibility of the System Financial Aid Director in collaboration with the college Financial Aid Directors to develop and administer policies to ensure compliance with federal and other regulations governing the acquisition, disbursement and reporting of all financial aid funds. To this end, the System Director and college Directors will create the necessary written and/or electronic documents and forms to implement a standardized process, wherever feasible, in carrying out this charge. Furthermore, it is expected that the System Director and college Directors will ensure that these standardized processes are consistently reflected in the System's computer integrated software system (Banner). And, finally, other college offices such as Registrar, Bursar, Admissions, etc. will collaborate in this charge, as necessary.

## 750.02 Philosophy of Financial Aid

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

1. Academically marginal students with the potential for success should be provided with an opportunity to receive financial assistance.
2. Financial assistance programs should focus on recruitment and retention (i.e. financial assistance should be integrated into and throughout the admissions process, and all students who have demonstrated success should not have to withdraw because of the lack of funds).
3. Financial assistance programs should aggressively seek out and identify all potential sources of financial aid for students.
4. Financial aid should be creatively and flexibility packaged to match the needs of students with all available resources.
5. Sources of aid should be developed vigorously and continuously.
6. Uses of financial aid by the student should be broadened as much as possible.
7. Financial assistance programs should be developed to support program-specific areas.
8. Financial assistance programs should advocate for student financial needs.
9. Clarify role and purpose of financial aid as part of student success.

## 750.03 Purpose of Financial Aid

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

The purpose of the College Financial Aid programs is to provide monetary assistance to matriculated students who could not attend without such help.

1. Each institution shall establish and publish realistic student budgets reflecting costs of tuition, fees, books and supplies, room and board, transportation, and other education-related expenses.
2. The primary responsibility for financing an education rest with the student and his/her parents, and they are expected to contribute according to their means.
3. Financial Aid should be offered only after an objective determination is made of family resources, and these resources are judged to be insufficient to meet expenses. The amount of aid will not exceed the remaining need.
4. Financial need shall be determined by a methodology authorized by the Federal Office of Student Financial Assistance.

## 750.04 NH Vocational-Technical Education Loan Fund

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

The Board of Trustees establishes the following rules and regulations for the operation of the Loan Fund for the CCSNH colleges.

The purpose of this loan fund is to provide financial assistance to needy students who are preparing for or are matriculated and attending any of the CCSNH colleges.

1. Maximum amount of loan per student per academic year: \$1000.
2. Eligible Courses: Only credit courses or courses listed as prerequisite for courses required in a program.
3. Eligible Programs: Any program to which one must matriculate and from which one receives a certificate, professional certificate, diploma (LPN) or degree upon completion.
4. Attendance/eligibility: A student must be in good standing at the institution and not be in default of repayment of another student loan or owe a refund on a Title IV grant.
5. All loans bear interest at the rate of five percent (5%) per year on the unpaid balance of the loan. Interest shall begin to accrue six (6) months after the first of the month following graduation or withdrawal from the institution.
6. The total amount of the principal plus interest as indicated on a Promissory Note is due in accordance with the schedule established by the Community College System of N.H. based upon the amount borrowed. Repayment shall be at the rate of \$30 per month including interest until the entire amount including principal and interest is paid in full. The first payment shall be due seven (7) months after the first of the month following graduation or withdrawal from the institution.
7. The right is reserved to pay the entire indebtedness or any part thereof without penalty or premium at any time. In the event of partial prepayment, interest on the

remaining principal shall be recalculated and a new repayment schedule issued with the next monthly billing.

8. Notwithstanding the above, installments shall not be due nor shall interest accrue during:
  - a. Any time period in which the maker is carrying, at any accredited institution of higher education, a minimum of six credits or
  - b. Any time, for a period not to exceed three (3) years, in which the maker is on full time active duty as a member of the Armed Forces of the United States or is in service as a volunteer under the Peace Corps Act.

The deferments provided for in this paragraph shall apply only to those makers who notify the holder, in writing, and provide satisfactory evidence to the holder, that the provisions of this paragraph apply to them and that they wish to invoke said provisions.

## 750.05 New England Regional Student Program

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

The program is sponsored by the New England Board of Higher Education. It permits the enrollment of out-of-state New England Residents in selected programs at reduced tuition rates under two eligibility categories:

1. The uniqueness rule: When a study program is not offered at an in-state institution, a qualified student may apply for enrollment at an out-of-state institution offering that program under the Regional Student Program.
2. The Proximity Rule: When a study program is offered under the Regional Student Program at both an in-state and an out-of-state institution and the mileage from the students' legal residence to the out-of-state institution is less than the mileage to the home state institution, or if the out-of-state institution is more accessible via major highways, the student is eligible for Regional Student Program status in any program listed by the institution in the NERSP catalog. Financial need of an applicant is not an appropriate basis for determining eligibility.

The only programs open under the New England Regional Student Program in any academic year are those listed in the NERSP (Apple Book) catalog for that particular year.

Each participating institution determines which of its program will be available under NERSP.

Withdrawal of programs: If an institution decides to withdraw a program from the NERSP (but will continue to offer the program), two years advance notice is required in writing prior to the annual spring meeting of NERSP representatives. Students currently enrolled as NERSP students in programs subsequently withdrawn from the

NERSP should be allowed to complete that program as NERSP students.

Admissions Preference/Priority: Applicants for admission under the NERSP shall be accorded preference among out-of-state applicants.

Transfer students: Both internal and external transfer students are accepted in NERSP. In both cases the student is eligible for NERSP tuition charges from the first semester he/she is enrolled in the program. If a student transfers out of a NERSP program but remains in the institution, that student is charged out-of-state tuition from the first semester of enrollment in the new program.

Students applying to the NERSP are to be notified of their tuition status upon acceptance as a NERSP student to the institution/program. It is the student's own responsibility to request NERSP status from the institution when he/she applies. The institution has no obligation to inform the student of the NERSP and no obligation to give retroactive tuition reduction.

Tuition charges: Any student enrolled under the NERSP will be charged 50% more than current in-state day tuition rate.

## 750.06 Student Records

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

All records shall be maintained in accordance with the Family Education Right and Privacy Act (Federal Act No. 93-380) and shall be kept in fireproof files.

## 750.06 Data Consistency

*Date Approved: 3/6/2023*

*Date Effective: 1/5/2023*

*Date of last Amendment: 3/6/2023*

*Approved by: Mark Rubinstein, Chancellor*

This policy covers the creation of a student record in the Banner Student Information System (SIS) and includes the minimum data elements required to create a student record. The intention of these minimum requirements is to mitigate fraud and ensure compliance with several regulations cited at the end of this policy.

No student record shall be created without the minimum data elements as outlined in the chart below.

|  |
|--|
| First Name (Required)                    |
| Middle Initial (Optional, if applicable) |
| Last Name (Required)                     |
| Mailing Address (Required)               |
| Phone (Required)                         |
| Email (Required)                         |
| DOB (Required)                           |

**Furthermore, the Social Security Number may be requested but remains an optional**

**field under federal law.**

**Justification:**

*Data Standards for CCSNH*

Any time an educational record is created in the Banner system, matching rules must be run to identify if an educational record already exists for the individual. The minimum number of data elements must be entered to ensure that duplicates are not created, which may result in dividing a student's educational record between two separate records. Additionally, the minimum number of data elements must be entered to ensure that a partial record is not matched to an existing record that is not the same person but may share the same name, etc.

*Data Security*

In the case of a data breach that includes any portion of educational records, federal and state laws require that individuals who are impacted (anyone in our Student Information System) be notified. A reasonable means of notification - permanent mailing address, email and phone should be maintained.

*Fraud*

Our institutions are at an elevated risk for educational and financial fraud - to ensure that we do not fraudulently issue credentials of any type (verify course completion or issue badge, certificate or degree credit or non) or fraudulently disburse federal, state or institutional funds to an individual, we must be able to verify the identity of the student who is registering and potential recipient of credentials or funds.

CCSNH has experienced a significant amount of educational and financial Fraud attempts over the last two years, which put our institutions and system at risk of becoming ineligible to administer federal aid.

*Campus Safety*

A name absent of any other personally identifiable information is not sufficient to ensure that we know who is likely present in any educational program offered by GBCC/CCSNH regardless of location, in the event of an emergency.

**Regulations:**

*FERPA*

FERPA does not make a distinction between "credit" and "non-credit" courses. If the records contain personally identifiable information about students and are maintained in any way by CCSNH, they are education records under FERPA. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99).

*Dear Colleague Letter GEN 1518*

Financial Institutions (including institutions of higher education) are subject to the data security provisions of the Gramm-Leach-Bliley Act (GLBA) - 15 U.S. Code § 6801-6809. It is the policy of the Congress that each financial institution has an affirmative and continuing obligation to respect the privacy of its customers and to protect the security and confidentiality of those customers' nonpublic personal information.



Purpose and Scope - implements sections 501 and 505(b)(2) of the Gramm-Leach-Bliley Act (GLBA) and sets forth standards for developing, implementing, and maintaining reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of customer information.

## 760.01 Immunization Policy

*Date Approved: 3/18/2008*

*Date Effective: 1/1/2010*

*Date of last Amendment: 11/17/2008*

*Approved by: Richard A. Gustafson, Chancellor*

Students, regardless of age, who are accepted into a CCSNH program requiring participation in a clinic, practicum, internship, co-op, or field experience, or students who participate in inter-collegiate athletics or reside in a residence hall, must present documented proof of immunization against measles, mumps, rubella, tuberculin skin infection and tetanus before participation or residence can be approved. Individual colleges may include additional groups or constituencies at their discretion. Records will be maintained by the department requiring immunization documentation, or by another office or individual deemed appropriate by the college. Documentation standards are as follows:

1. Students shall be considered immune to measles, mumps, and rubella (MMR) only if they have:
  - a. Documentation of immunization with 2 doses of live vaccine after 12 months of age;
  - b. Laboratory confirmation of immune titers for measles, mumps and rubella; or
  - c. Had one rubella, provided the student was born prior to 1957.
2. Students shall be considered immune to measles or rubella, instead of MMR if they have:
  - a. Had the disease confirmed by an office record of a doctor;
  - b. Been born before 1957 and therefore considered immune;
  - c. Laboratory confirmation of an immune titer;
  - d. Been immunized with 2 doses of live vaccine after 12 months of age; or
  - e. Been subject to the more stringent requirements of a clinic or practicum site.
3. Students shall be considered immune to mumps instead of MMR only if they have:
  - a. Had disease confirmed by an office record;
  - b. Been immunized with one dose of vaccine after 12 months of age; or
  - c. Been subject to the more stringent requirements of a clinic or practicum site.
4. Students shall be considered immune to rubella instead of MMR only if they have:
  - a. Laboratory confirmation of an immune titer;
  - b. Been immunized with one dose of vaccine after 12 months of age; or
  - c. Been subject to the more stringent requirements of a clinic or practicum site.
5. Students shall be considered immune to tetanus only if they have received tetanus-diphtheria booster within the last 10 years.
6. Students entering the medical field shall be considered immune to hepatitis B series only if they have been immunized with 3 doses of hepatitis B, according to the following schedule:

- a. After being given the first dose, the student shall receive a second dose no later than one month after the first; and
  - b. After being given the second dose, the student shall receive a third dose no later than six months after the second.
7. Students shall be considered immune to tuberculin skin infection only if they have:
- a. Proof of a negative Purified Protein Derivative (PPD) within the last year;
  - b. A positive PPD established by an x-ray with negative results within the last year;
- or
- c. Been subject to modification for clinic or practicum site.
8. The documented date of immunization for both measles and rubella shall include the day, month, and year. However, only month and year shall suffice as long as the month and year show that the immunization was given at least 13 months from month of birth. If only the year of immunization is provided, the date given shall be 2 years from the year of birth.
9. Exceptions to this policy shall be granted for good cause by the college President. Good cause shall include, but not be limited to, medical contra-indications or other reasons beyond the control of the student.
10. Requests for waiver shall be submitted in writing to the president of the college. The president shall determine if the application shall be granted or denied within 10 working days of its receipt.

## 760.02 HIV (Human Immunodeficiency Virus) Policy

*Date Approved: 3/18/2008*

*Date Effective: 1/1/2010*

*Date of last Amendment: 11/17/2008*

*Approved by: Richard A. Gustafson, Chancellor*

The CCSNH will offer its students diagnosed with AIDS (Acquired Immune Deficiency Syndrome) or as HIV (Human Immunodeficiency Virus) positive the same opportunities and benefits offered to other students in accordance with Center for Disease Control (CDC) guidelines and appropriate laws. These include access to educational programs, advisement and counseling services, and financial aid. Except where course work or external placement requires involvement with body fluids, no special policies, procedures or rules will be imposed on students diagnosed with AIDS or as HIV positive that will limit or restrict the student's participation in college activities or programs. Students are advised, however, that certain allied health programs may have policies in addition to those listed below in order to comply with rules established by clinical sites.

This policy is subject to applicable laws, including the Americans with Disabilities Act and the Rehabilitation Act of 1973, as amended.

1. Neither a diagnosis of AIDS nor a positive HIV antibody test will be part of the initial admission decision for students applying to a college in the CCSNH, nor will college in the CCSNH require screening of students for antibody to AIDS/HIV. Programs providing clinical experiences should be guided by the CDC and OSHA guidelines.

2. Students with AIDS or a positive HIV antibody test will not be restricted from access to college facilities and common areas.
3. Students diagnosed with AIDS/HIV may seek reasonable accommodation in order to remain enrolled, provided the student works with the Disabilities Coordinator on the campus and provides appropriate medical documentation.
4. AIDS/HIV test results may not be released under any circumstances except with specific written authorization by the student. No person, group, agency, insurer, employer, or institution may be provided any information related to the AIDS/HIV status of a student without the prior written consent of the individual, unless otherwise required by law.
  - a. Legal liability - The obligation of the college to protect the confidentiality of information is governed by all pertinent federal laws and HIPPA rules and regulations.
  - b. Public health reporting requirements - The Student Health Services will comply with all public health reporting requirements to the local public health authorities.
  - c. Secondary lists or records - Neither health officers nor administrators should keep secondary lists or logs identifying individuals tested for antibodies to AIDS/HIV or known to be AIDS/HIV infected, unless required to do so by federal or state law.

## 760.03 Unattended Children on Campus

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

It is the policy of the CCSNH to provide a friendly and safe campus while maintaining a learning environment for students and a disruption-free workplace for employees. Children are welcome to accompany adults to their appointments at a CCSNH college; however, children should not be left unattended anywhere on the college campus, including the grounds and parking facilities. Individuals under the age of 16 who are not registered in a class must at all times be under the supervision of an adult who is at least 18 years old. The college faculty and staff are not responsible for the care and supervision of unattended children.

In addition, children who are not registered for classes are not permitted in classrooms and/or laboratories, even if the parent/guardian is registered in the class. Parents/guardians are advised that students under the age of 16 who are enrolled in a class are not the responsibility of college employees, other than during designated class time or while doing class related activities on the campus..

If a child is left unattended the college will attempt to locate the parent/guardian and return the unattended child. If the parent/guardian cannot be located, the college will contact local law enforcement or the State Division for Children, Youth and Families.

The only exceptions to the above policy are prearranged tours, field trips, and college

coordinated or sponsored programs for children.

## 760.04 Children in the Workplace

*Date Approved: 3/18/2008*

*Date Effective: 3/18/2008*

*Date of last Amendment: 3/18/2008*

*Approved by: Richard A. Gustafson, Chancellor*

It is the policy of the CCSNH to provide a friendly, safe and disruption-free workplace for employees. Therefore, employees are prohibited from bringing children under the age of 16 into the workplace, except as part of a formal educational program (job shadowing, e.g.).

In addition, employees are prohibited from leaving children who are family members unattended in any other area of the facility (cafeteria, library, etc., e.g.). (See also: Unattended Children on Campus Policy). If a child is left unattended an attempt will be made to locate the parent/guardian and return the unattended child. If the parent/guardian cannot be located, the college will contact local law enforcement or the State Division for Children, Youth and Families.