



STUDENT HANDBOOK

2020-2021

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LATEST EDITION

The Student Handbook was last updated in August 2020. This latest revision include:

- The full Sexual Misconduct policy (Appendix B).
- The full Student Domestic Travel Policy (Appendix C).
- Supplements for:
 - Atlas students, referencing policies that are relevant to these students,
 - Innovation Scholars, referencing policies that are relevant to these students, and
 - COVID-19-related policies.
- Expanded definition of residential student, and
- Updated and consistent use of terminology.

INTRODUCTION

The Student Handbook applies to all registered undergraduate, graduate, full- and part-time students, as well as students enrolled in online, remote, or continuing education at Southern New Hampshire University (SNHU). Students who attend classes on SNHU's main campus are considered University College (UC) students. Students who attend classes at a Regional Center and/or take all of their courses online, and College for America program students, are considered Global Campus (GC) students. Students who enter SNHU as a member of the Innovation Scholars cohort are governed by a unique combination of both UC and GC policies; please see the Innovation Scholars supplement for which policies apply.

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

The Student Handbook pertains to all students for the 2020-2021 academic year.

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

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

Student Rights and Responsibilities

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

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

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

All students have the right to:

- Redress grievances,
- Have respect from others,
- Have a fair and equitable hearing process pursuant to university policies and the provisions of this handbook,

- Ask for advice and/or assistance,
- Challenge prejudicial treatment and comments, and
- Be themselves and to be proud of their backgrounds.

Residential students have the right to:

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

This may not apply to low-residency students.

Right to Procedural Fairness

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

Right to Privacy

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

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

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

Campus Citizenship Responsibility

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

- Students are expected to familiarize themselves with the policies and regulations of the Student Handbook.

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

Civility Responsibility

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

Non-Discrimination, Equal Access, & Equal Opportunity Statement

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

Accessibility Services

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

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

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

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

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

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

ADA/504 Compliance Coordinator
 Email: adacompliance@snhu.edu
 Phone: 603.645.9664
 Fax: 603.665.7151

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

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

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

Conditions of Enrollment

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

- **Accuracy of University Records**
 Students are expected to provide accurate and complete information on all university forms and documents, including applications for admission and financial aid, references, health and immunization reports, local and home addresses, and other types of records.
- **Completion of Registration**
 Each term students must complete their registration with the university before they are recognized as enrolled and active students.
- **Financial Obligations**
 Students are held responsible for all obligations that they have incurred with the university. Failure to comply with this policy, without prior granted permission, may result in loss of on-campus housing and/or on-campus parking, as well as a hold placed against the release

of the student's grades, diploma, and/or transcript. Student may also be restricted from registering for future terms until their financial obligations have been met.

- **Immunization Requirements**

All full-time undergraduate UC students (enrolled in 12 credit hours per term), and all international students (undergraduate and graduate) taking classes at the Manchester campus must provide complete and accurate immunization records. Students are required to provide proof of immunization against measles, mumps, and rubella (MMR). Also students must have had the Hepatitis B series, Meningitis vaccine, Tetanus/TDaP as well as the DTAP series, and two doses of the Varicella (Chicken Pox) vaccine or proof of having had the disease. Titers demonstrating immunity to each disease are acceptable. If a student fails to comply, he/she/they will not be allowed to attend class. The university may either prevent the student from completing his/her/their registration or remove the student from the enrollment rosters of the school. GC programs may require immunization records to be supplied depending upon their location.

- **Campus Student Requirements**

The Wellness Center is licensed by the State of New Hampshire as an Educational Health Facility and therefore it is mandatory that all full-time undergraduate day students (enrolled in 12 credit hours per term), and all international students (undergraduate and graduate) taking classes at the Manchester campus, provide a recent physical within the last 24 months from admission, a health and history form including emergency contact, and accurate immunization records. Students who are identified as at risk for exposure to tuberculosis disease must complete a tuberculosis test or provide a chest x-ray report within six months prior to arrival at the university.

- **Insurance**

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

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

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

- **Communications with the University**

Students are expected to check their university-assigned email accounts and use that account for all communication with the university and its faculty and staff. This is the primary communication systems used during the semester when classes are in session.

- **Identification Responsibility**

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

University Rights

Inspections

University staff members may conduct a residence inspection whenever reasonable cause exists to believe that activity is taking place that is detrimental to the health, safety, or welfare of individuals, or substances or items are contained in the room that would constitute a violation of the Student Code of

Conduct. Inspections will be confined to areas reasonably related to the alleged policy violation and may include, but are not limited to, all university-owned property or furnishings, any refrigerator, bags, or personally owned property including safes or other locked/secured items.

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

- The size or shape of the item might suggest alcohol, other drugs, or alcohol or drug paraphernalia are present;
- A staff member hears a noise that might suggest a violation of policy is occurring;
- A staff member has confiscated substances that would suggest the presence of additional substances in the area;
- A staff member observes behavior such as an unsteady walk, slurred speech, or abusive or violent actions;
- A staff member receives a report of any of the preceding circumstances; or
- A search is the result of an ongoing investigation.

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

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

Searches, Arrests, and Related Processes

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

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

Use of Video Surveillance Cameras on Campus

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

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

Use of Summary Suspensions and Interim Measures

Students and recognized clubs/organizations who are alleged to have been involved in a significant violation of university policy may be suspended in the interim from either residence or the university pending a hearing, if the senior leadership from their respective campus/program or designee deem it necessary. The university may also impose other interim measures including but not limited to, residential suspension, relocation, or restricted contact orders. Determinations will be based on the nature of the alleged violation and/or any potential on-going threat to any individual or community.

STUDENT CODE OF CONDUCT

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

Authority of the University

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

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

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

Terms and Definitions

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

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

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

Conduct Standing and Sanctions

When students are found to have violated a policy, the university's first priority is to respond by providing or mandating supportive and educational tasks designed to help the student make more informed choices. Second and equally important, the university makes a change to the student's conduct standing. This categorization represents the progressive conduct model, which increases punitive measures as the severity or frequency of a behavior increases. A student's conduct standing may range from warning to dismissal. Students are considered as being removed from "good standing" at the level of university probation. A student not in good conduct standing may not/cannot be allowed to apply or participate in Study Abroad. Some departments may not hire students on University Probation. This section is designed to offer guidance regarding conduct standing and sanctions. However, the university reserves the right to use its discretion in all aspects of a conduct case, including changes to conduct standings and sanctions

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

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

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

- **Warning**
A warning consists of formal notification that the student has violated the university's community standards and advises that repetition will result in a more severe sanction.
- **Reprimand**
At this increased standing, students understand a formal reprimand is in place.
- **Probation**
This sanction is the most serious warning for violation of university regulations prior to suspension, and it places limits on the student's good standing with the university. Students on probation may be limited in their ability to attend university programs. If the student is found responsible for violating any university policy during the probation period, both residence removal and/or suspension may become effective and the student may be subject to additional sanctions. Students are considered as being removed from "good standing" at the level of probation. A student not in good standing may not be allowed to apply or participate in study abroad. Some departments may not hire students on probation.
- **Suspension**
University suspension means that the student is dismissed from the university for a given period of time, with an opportunity for re-admission. If suspended from the university, the student will be persona non grata in all university facilities and online environments and from all university functions for the period of his/her/their suspension. This sanction may only be imposed by the Dean of Students or designee or Assistant Vice President of Dispute Resolution and Student Conduct or designee after a hearing. Pending action on any disciplinary allegations, the status of students shall not be altered, nor are their rights to continue working toward a degree suspended, except to protect the well-being of students or staff. Only the Chief Academic Officer, Dean of Students, or Assistant Vice President of Dispute Resolution and Student Conduct may make such a determination and direct provisional suspension.
- **University Dismissal**
If a student is dismissed from the university, he/she/they is permanently dismissed from the university without opportunity for readmission. If dismissed from the university, the student will be persona non grata in all university facilities and online environments and from all university functions.

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

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

Educational Provisions

Many factors are considered when deciding supportive or educational sanctions to accompany a student's conduct standing: The current violation, past conduct record, previous sanctions that may exist, and the level of understanding the student demonstrates regarding his/her/their conduct. It is

possible that a student may not be eligible to participate in university-sponsored activities or trips if the student is not in good conduct standing.

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

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

- **Access Restriction**

Students may be denied access to any campus building, room, activity, class or program, computer and network resources, or denied other student privileges.

Individual Student Conduct Standards

Filing a Report

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

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

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

Reviewing a Report

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

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

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

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

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

Preliminary Meeting

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

Hearing Procedures

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

Officials who receive annual training on issues related to sexual assault, domestic violence, dating violence and stalking may conduct investigations into such incidents; hearing officers are also trained regarding such issues.

Hearings may be expedited to protect community members. Students or recognized clubs/organizations who are alleged to have been involved in a significant violation may be suspended in the interim from either residence or the university pending a hearing, should the senior leadership from their respective campus/program or designee deem it necessary. Residents may also be temporarily relocated pending a hearing. Incidents reported during the summer and during breaks when the conduct board is not available may be handled through the administrative hearing process. In these circumstances, the university may assemble a special panel of staff or faculty to assist with an administrative hearing.

The steps below specify the procedures that must be followed when determining if a violation has occurred and assures that due process is followed.

- **Notice**
Students will receive a letter electronically from the appropriate university staff member, informing them of a conduct hearing to discuss the incident. Students must be given 48 hours' notice for hearings (UC and GC) and preliminary hearings (GC). For GC students, every reasonable effort is made to contact involved parties via SNHU email and/or telephone. The student receives electronic notification indicating the date, time and location of the hearing.
- **Attendance**
If the student fails to attend the hearing, the review will be made in his/her/their absence and the student will also forfeit his/her/their right to appeal the findings.

- **Presentation**

A hearing officer/conduct board will review the incident reports and the student will have an opportunity to present his/her/their own case. If the case suggests that an initial investigation should take place due to its complexity, a university staff member will be assigned to complete the investigation.

- **Finding and Sanction**

Based upon the information presented, the hearing officer/conduct board will determine if the student is responsible for the alleged violation(s). Sanctioning is considered only after responsibility has been determined and is based solely on the severity of the violation and a student's previous conduct record. The decision of the hearing officer/conduct board will be subject to final review by the Community Standards staff, the Associate Vice President of Student Experience, or designee.

- **Notice of Results**

An email with an attached letter notifying the student of the results of the hearing will be sent electronically no later than five business days following the hearing. Additional time may be needed if the case is complicated in nature. A copy of the notification may also be sent to the student's parents, in accordance with FERPA regulations. Decisions made by the hearing officer/conduct board are final pending the appeal process.

Conduct Board Hearings

The conduct board may be comprised of faculty, staff, and (in non-Title IX cases) students. When a case is referred to the conduct board, the Community Standards staff member, the Student Conduct and Academic Integrity Manager, the Associate Vice President of Student Experience, or an authorized designee may offer all involved students a preliminary meeting to prepare for the process. The administrator is available to discuss the incident reports, student's rights, and the hearing process.

In cases assigned to the conduct board, members will participate on a rotating basis. Attendance at hearings ranges from three to six conduct board members. The Community Standards staff member, the Associate Vice-president of [Dispute Resolution & Student Conduct](#), or designee will determine the composition of the board and serve as a non-voting advisor to the board. All conduct board members commit to upholding the Student Code of Conduct and respecting the process' confidentiality.

Students participating in a conduct board hearing will be given the names of the conduct board members in advance of the hearing. Should a student believe that any conduct board member is biased or cannot render an impartial judgment, the student may challenge the individual's participation in the hearing. The Community Standards staff member, Associate Vice President of Student Experience, or an authorized designee will rule on such challenges, and the decision will be final.

Appeal Process

The appeal process ensures that a student has been treated fairly in the hearing process. A student who has participated in the hearing process and been found in violation of the Student Code of Conduct may file a written appeal. In cases involving sexual assault, both the complainant and respondent may file an appeal.

Appeals may be heard by the Community Standards staff, the Associate Vice President of Student Experience, an authorized designee, or the appeal board. The Dean of Students (or designee) may review the outcome of an appeal and modify the decision with both the ability to increase or decrease the severity of a final outcome. An appeal must demonstrate one or more of the following bases for appeal and explain in detail the support for each basis:

- New information is now available that was not known at the time of the hearing. This information may have been sufficient to alter the original decision. This new evidence will be

considered only if it is clear that the evidence could not have been known by the student(s) appealing at the time of the original hearing.

- A procedural error occurred and the hearing was not conducted in accordance with procedures prescribed by the hearing process. This procedural error impaired a student's right to a fair opportunity to be heard.
- The severity of the sanction is not appropriate for the violation(s) committed, and the past conduct history of the student. This is not applicable for minimum standard sanctions of the alcohol or other drug policy.

The appeal review is limited to an analysis of the written appeal document, the notes and documents of the initial hearing, and an interview with the original hearing officer/moderator or Community Standards staff member as needed. The appeal process is not a re-hearing of the case – it is an opportunity for an impartial panel to review a case and examine potential errors in the process, unduly severe sanctions, or new information.

If the appeal is based on the appropriateness of the sanction(s) issued, a complete review of the student's conduct history, including previous sanction(s), will take place. In cases where new evidence has emerged, this information will be included as part of the review process. If new information or a procedural error has been determined through the appeal process, the case may be referred to another hearing officer/conduct board to allow for a reconsideration of the original finding. The new hearing will be scheduled as soon as possible.

If there is reason to believe that the sanctioned student or other members of the university community are at risk, or a need exists to protect university property or prevent disruption of the university's educational process, the senior leadership from their respective campus/program or designee may immediately enforce any or all of the original sanctions and those sanctions shall remain in effect pending the final outcome of the appeal.

All decisions resulting from an appeal review are final. Although a verbal notification may be provided to the student, an email notification of the decision is sent within seven business days of the review.

To submit a Petition for Appeal:

- Students will receive an individual appeal link included in the outcome email they receive from the hearing officer/moderator or Community Standards staff member.
- The Petition for Appeal must be submitted within five business days of the decision being rendered.
- If the appeal is reviewed, a decision will be made within 10 business days of receiving the petition. Outcomes could include: Upholding the decision, changing the decision, dismissal of the original decision/sanctions, or granting a new hearing. In cases of sexual assault, the university must notify the complainant.

Violations of Law

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

Notification of Criminal Arrest

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

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

Withdrawal When Certain Criminal Charges are Pending

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

- The student may meet with the senior leadership from their respective campus/program or designee within three business days from the imposition of the withdrawal. In this meeting, the student must demonstrate that the withdrawal is inappropriate because:
 - The student is not charged with a crime as listed above;
 - The alleged crime, even if proven, has no bearing on any legitimate university interest; or
 - The withdrawal is too severe a response from the university.
- The senior leadership from their respective campus/program or designee decides whether to continue or rescind the withdrawal and communicates this decision to the student within 24 hours of the conclusion of the meeting. The decision is final and may not be appealed.
- The withdrawal may be noted on the student's transcript, however no conduct record or sanction is created or imposed solely on the basis of the withdrawal.
- The withdrawal remains in effect until the latter of:
 - The dismissal/acquittal of all pending charge(s) against the student;
 - A full hearing by the student conduct system, if appropriate, of all alleged violation(s) of the Student Code of Conduct relating to the behavior from which the charge(s) derive. In order to hold this hearing, the university must have access to independent information about the case (i.e., police reports, court reports, etc.). In some cases, this may require the student or his/her/their legal counsel releasing the necessary information to the university.
- The withdrawal requirement is a supplement to the interim suspension procedures provided elsewhere in the Student Handbook and in no way limits any rights of the university to impose any additional or different conduct sanction.

Interim Conduct Action

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

Parental Notification

The university may disclose aspects of a student's education record to the student's parents/guardians in particular circumstances. This notification policy is enacted with the philosophy that parents/guardians are partners in student development and can assist students in fulfilling their

educational goals through the use of open dialogue. In accordance with FERPA guidelines, the university may issue notifications to parents/guardians of students in the following circumstances:

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

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

Conduct Records

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

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

GENERAL BEHAVIOR POLICIES

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

Acceptable Use Policy

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

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

Advertising Policy

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

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

For GC-specific guidelines, see SNHUconnect.

Assault

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

Bias Incident

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

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

Bullying

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

Bullying may be in the form of:

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

Damage to Property

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

Disorderly Conduct

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

Disrupting Community Relations

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

Disruptive Gatherings

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

Driving Policy

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

Drones

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

Endangering Acts or Behavior

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

Failure to Comply

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

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

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

Fire Safety

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

- Setting a fire (including charring, burning, lighting of papers, or any other act that could cause a fire), causing or creating a false alarm, or other such intentional or reckless conduct that causes harm or reasonable apprehension of harm to a person or property. Damage to property will be prosecuted as arson whenever appropriate.
- Misusing, tampering with, or damaging fire safety equipment is prohibited, including:
 - Removing, discharging, or damaging fire safety equipment,
 - Suspending items from a ceiling, overhead wires, pipes, and sprinkler heads, or
 - Covering smoke detectors, sprinkler heads, electrical outlets, or lights.
- The cost for activating false fire alarms is a minimum of \$350. Costs for false alarms that cannot be attributed to a specific individual(s) will be assessed to the residents of the floor or area where the alarm was registered. Anyone found discharging a fire extinguisher for reasons other than a fire will face conduct action and will be held responsible for the costs related to damage of property, clean up, and recharging the affected fire extinguisher(s).
- Failure to evacuate university buildings during a fire alarm.
- Camp stoves, candles, incense and incense burners, propane torches, and lanterns are not permitted in any residence.

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

Fraud, Lying, or Misleading

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

Gambling or Betting

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

Guest Policy

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

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

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

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

Harassment or Discrimination

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

Hazing

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

Implied Consent

Awareness of, or in the presence of a violation of university policy and remaining in the presence of and/or failing to take reasonable actions to stop the violation, communicates consent to the violation and makes the witness a party in the violation. Additionally, encouraging or assisting anyone in violating any university policy (e.g., hosting someone who has been restricted from residence areas).

Improper Use of Bicycles, Skates, and Skateboards

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

Inappropriate Use of Technology

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

Indecent Exposure

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

Misuse of Keys

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

Misuse of University Documents

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

Misuse of University ID Cards

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

Mutual Combat

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

Pattern of Misconduct

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

Possession of Weapons and Explosives

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

Retaliation

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

Smoking Policy

Smoking in classrooms, residence halls, work areas, and public areas as defined below. Smoking includes all nicotine- and/or tobacco-derived or containing products, or non-tobacco or non-nicotine-derived or -containing products, including, but not limited to, cigarettes (clove, bidis, kreteks), electronic cigarettes, vaporizers, cigars, cigarillos, and hookah-smoked products.

In addition, smoking is prohibited within 25 feet from any university building entrance and on all athletic-related venues. Work areas are defined as any enclosed location, permanent or temporary, where faculty, staff, and students perform work-related duties in the course of their employment. Public areas are defined as conference rooms, dining hall, hallways, administrative and academic buildings, and bathrooms.

Theft or Misappropriation

Attempted or actual theft, possession, seizing, or concealing of unowned property. This includes receiving property with knowledge that it has been stolen. Sale, possession, or misappropriation of any property, including university property, without the owner's permission is forbidden. This policy also applies to stealing time in employment. Any objects that students find must be turned into the Office of Public Safety. This includes, but is not limited to, selling a textbook that belongs to someone else without that person's prior written authorization. Books that students find must be turned in to the Office of Public Safety.

Threat

Any intentional and unprivileged act that places a person in fear of harm that would be painful, injurious, insulting, or offensive. Petty slights, minor annoyances, and isolated incidents (unless severe) of rude, uncivil, or non-collegial behavior will generally not rise to the level of a policy violation.

Unauthorized Access or Forced Entry

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

Unauthorized Use of SNHU Name and Logo

Unauthorized use of the Southern New Hampshire University name, seal, mascot, or logo on any article of clothing, poster, or book in any manner of imprint. The university's name, seal, and logo can imply university approval of the sale, use, or message of the group or item on which its name or logo appear. As the name, seal, and logo are exclusive property of the university, any organization or member of the community that wishes to use them must seek prior written permission of the Vice President of Marketing and Student Recruitment.

Unlawful Demonstrations

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

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

ALCOHOL AND OTHER DRUG POLICIES

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

Distribution of Tobacco Products

Per federal law, no one may distribute to and/or purchase tobacco products for those under 21.

Drinking Games or Acts

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

Excessive Amounts of Alcohol or Common Source

Excessive amounts of alcohol are defined as supplies of alcohol that are too much for the number of students of legal drinking age present (not to exceed the occupancy allowed or amounts which are distributed indiscriminately). People of legal drinking age transporting unopened alcohol between residences cannot exceed 12 standard drinks. A standard drink is defined as a 12 oz. beer, a 4 oz. glass of wine, 1½ oz. of 80-proof alcohol or 1 oz. of 100-proof alcohol. Students may not transport alcohol in any type of cooler. The determination of what is excessive will be made during the hearing process. Examples of typical common sources of alcohol are kegs, beer balls, and “punch.” Common source containers, whether full or empty, are not permitted in university residence areas. For this reason, beer and wine making or products for this purpose are also prohibited.

Hosting that Leads to an Alcohol or Other Drug Violation

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

Intoxication/High Risk Consumption

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

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

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

Manufacture or Distribution of Controlled Substance

The manufacture or distribution of illegal drugs or controlled substances.

Possession of Alcohol in a Prohibited Area

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

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

Possession of a Controlled Substance

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

Possession of Alcohol in an Open Container

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

Possession of Alcohol Paraphernalia

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

Possession of Drug Paraphernalia

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

Serving Underage Person(s)

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

Underage Possession and/or Underage Consumption

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

Under the Influence of a Controlled Substance/Illegal Drug

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

- Bloodshot eyes,
- Strong odor on one's clothing or breath,
- Excessive mood swings,

- Excited behavior,
- Irrational or erratic behavior that lacks a logical explanation.

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

Use of Controlled Substance or Evidence Supporting Use

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

Conduct Response to Alcohol and Other Drug Violations

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

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

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

Educational Responses

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

- **Alcohol Education**
An alcohol abuse prevention program with information about alcohol and related risks, embedded within a broader frame of lifestyle behaviors.
- **Marijuana Education**
A class that focuses on the effects that marijuana has on the brain and other organs and focuses on the social effects marijuana has on a person.
- **BASICS (Brief Alcohol Screening and Intervention for College Students)**
A harm-reduction preventative intervention designed for college students who drink in high risk ways and have experienced negative consequences from their use of alcohol. The program uses motivational interviewing and is conducted in two to three individual sessions. It is an intervention strategy that helps a student look at their high-risk behaviors and work toward lowering their risk level focuses on the social effects marijuana has on a person.
- **CASICS (Cannabis Screening and Intervention for College Students)**
A harm-reduction preventative intervention designed for college students, aimed to reduce risky behaviors and harmful consequences of marijuana abuse. The program uses motivational

interviewing and is conducted in two to three individual sessions. It is an intervention strategy that helps a student look at their high-risk behaviors and work toward lowering their risk level.

- **Alcohol or Other Drug Assessment (Internal or External to University)**
Recommended as needed.

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

Minimum Recommended Sanctions for Alcohol and Other Drug Violations

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

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

Responsible Penmen Policy

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

The university is aware that students may not seek medical attention for themselves in alcohol- and drug-related emergencies, fearing conduct standing changes (e.g., warning, probation, suspension, dismissal). Likewise, students and student organizations may not seek medical attention for others in such emergencies, worrying about disciplinary consequences for themselves, the person in need of medical attention, or the organization hosting the event where the problem occurs.

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

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

Scope of Protection

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

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

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

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

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

Other Requirements / Conditions

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

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

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

Important Policy Limitations

Though the Responsible Penmen Policy may apply within the university, it does not prevent action by local and state authorities when the situation warrants outside involvement. The university does not

have the authority to dispose of and/or grant legal immunity for controlled substances and will contact local police whenever necessary.

TITLE IX SEXUAL HARASSMENT / UNIVERSITY SEXUAL MISCONDUCT POLICIES

The university does not condone and will not tolerate sexual misconduct, sexual harassment or sexual violence of any kind. The university prohibits rape, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking, as well as discrimination or harassment based on sex.

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

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

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

- **Title IX Sexual Harassment**

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

- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct (often referred to as "quid pro quo");
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or sexual assault as defined below.

- **University Sexual Harassment**

Unwelcome conduct on the basis of sex/gender that falls outside the scope of the definition/jurisdiction of Title IX Sexual Harassment. This includes conduct that occurs off-campus, and/or is either severe or pervasive.

- **Sex Offenses, Forcible**

Any sexual act directed against another person, without the Consent of the victim, including instances in which the victim is incapable of giving Consent.

- **Rape**

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim. Attempts or assaults to commit rape are also included; however, statutory rape and incest are excluded (each defined separately below).

- **Forcible Sodomy**

Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity.

- **Sexual Assault with an Object**

To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because

of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Forcible Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Sex Offenses, Non-forcible**

- **Incest**

Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by law.

- **Statutory Rape**

Non-forcible sexual intercourse, with a person who is under the statutory age of Consent.

- **Dating Violence**

Defined as: violence committed by a person—

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

- **Domestic Violence**

Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of New Hampshire, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of New Hampshire.

- **Stalking**

Defined as: engaging in a course of conduct, 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.

GLOBAL CAMPUS POLICIES

GC Online Course Etiquette and Communication

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

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

Classroom Attendance Responsibility

Online Students

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

Regional Center Students

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

GC Conduct Suspension: Applying for Re-admission

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

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

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

Risk Assessment Team

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

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

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

Hearing Guidelines

The following guidelines generally apply to administrative and conduct board hearings, outlining a common understanding of the rights and responsibilities generally afforded to students participating in the hearing process. Since every case is unique, the guidelines may be changed or modified by a hearing officer or conduct board as needed.

- Pending action on any alleged violations, a student's status is not altered, nor his/her/their rights suspended to be present on campus or attend classes, except to protect the health or safety of students, faculty, or staff or to safeguard university property.
- The university's burden of proof is to show that it is more likely than not that the student is responsible for the alleged violation or pattern of misconduct. The rules of evidence applicable to civil and criminal court cases do not apply. Hearing decisions are made based upon a preponderance of the information presented – whether a violation of university policy more likely than not occurred.
- A student is responsible for complying with all policies as listed in the Student Code of Conduct, including those that occur through encouragement or neglect.
- A student has the right to review the incident report and evidence presented by university staff upon request. The hearing officer/conduct board may also review the incident report and relevant information prior to the hearing.
- All written or physical evidence not contained in the originating incident report must be presented to the hearing officer or Community Standards staff member 24 hours before the hearing begins. Evidence must be pertinent to the charges in question and will be admitted at the discretion of the hearing officer/moderator or Community Standards staff member.
- Written witness statements must be presented to the hearing officer or Community Standards staff member 24 hours before the hearing begins. A witness is defined as someone who observed the actual incident and may be called in to discuss his/her/their statement prior to the hearing. Character witnesses are not allowed. A pre-hearing meeting is at the discretion of the hearing officer/moderator or Community Standards staff member. Witnesses and witness statements will be admitted at the discretion of the hearing officer or Community Standards staff member. It is the responsibility of the student to notify their witnesses of the date, time, and place of the hearing. If witnesses fail to appear, the hearing may be held in their absence.
- A student may have a faculty or staff advisor (or in Title IX cases, a person of his/her/their choice) present at the hearing. Except in TIX cases, the student's advisor may not participate directly in any aspect of the hearing and may only confer with the student. An advisor will not be allowed to disrupt the hearing by recess or conference outside the hearing. It is the student's responsibility to present all aspects of his/her/their own case. A student must notify the hearing officer or Community Standards staff member of the student's advisor 24 hours before the hearing begins.

- The university works to accommodate the students and hearing officer/conduct board members' schedules. To resolve complaints in a timely way, neither advisors nor witnesses are consulted when scheduling a hearing. If unavailable during the scheduled hearing time, the student may choose another advisor and/or ask the witness to provide a written statement.
- A student may refuse to answer a question, with the understanding that the hearing officer/conduct board must decide the matter based upon the information available at the time of the hearing.
- The hearing officer/moderator or Community Standards staff member exercises discretion over admission of any person into the hearing.
- In incidents involving more than one party, the hearing may be conducted as a joint hearing.
- The hearing is conducted formally, and summary notes may be kept. A hearing officer/conduct board may audio record the hearing if it is deemed appropriate.
- If a student is found responsible, the hearing officer/conduct board reviews the student's full conduct record to decide if a sanction should be more severe based upon past history. This information is not used to determine a student's responsibility for alleged violations.
- No later than five business days following the hearing, a student receives a letter electronically from the hearing officer or Community Standards staff member, informing him/her/them of the hearing's results. Additional time may be needed if the case is complicated in nature. In cases involving both a complainant and respondent, both parties are notified of the outcome.
- A student who has participated in the hearing process and been found responsible for violating the Student Code of Conduct may file a written appeal. Appeals will only be granted if one of three criteria are met, as described in the appeal process section of the Student Handbook. In cases involving sexual assault, both the complainant and respondent may file an appeal.
- If the student fails to attend the hearing, the hearing occurs in his/her/their absence and the student forfeits the right to appeal the hearing officer or conduct board's findings.
- During the hearing, the university may accommodate concerns for the personal well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses by providing separate facilities, using a visual screen, and/or permitting participation by telephone, video conferencing, video and/or audio recordings, written statement, or other means. This determination is based on the judgment of senior leadership or designee.
- If any person exhibits behavior or language that is disruptive or threatening at any time during the course of a hearing, he/she/they may be dismissed with the process continuing without his/her/their presence or input.

Student Organization Conduct Standards

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

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

GLOBAL CAMPUS ACADEMIC INTEGRITY POLICIES

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

Standards of Academic Integrity

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

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

Alteration or Fabrication of Data

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

Cheating

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

Dishonesty in Papers

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

Misrepresentation

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

Other Academic Misconduct

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

Plagiarism

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

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

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

Unauthorized Collaboration

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

Academic Integrity Policy Awareness

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

Faculty

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

Students

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

Academic Integrity Process for Violation

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

Process for Violation of Policy

When an instructor becomes aware of a possible academic integrity violation, they should contact the student as soon as possible by email to make the student aware of the concern, and file an Academic Integrity Concern Report with the Office of Academic Integrity and Student Conduct.

Filing an Academic Integrity Concern Report

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

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

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

UNIVERSITY COLLEGE POLICIES

UC Students Withdrawing

Mandated Medical Leave

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

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

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

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

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

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

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

Returning from a Medical Leave

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

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

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

Medical Leave of Absence Protocol

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

Requesting a Medical Leave of Absence

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

Returning from a Medical Leave of Absence

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

CARE Team

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

students who are at risk of harming themselves or others, or who are at risk of not remaining at the university without proper support.

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

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

- Coordinate a response to the situation, and
- Determine what to communicate to others affected by the situation.

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

Action Steps and Outcomes

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

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

Notification of Family, Roommates, Faculty, and Others

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

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

Hearing Guidelines

The following guidelines generally apply to administrative and conduct board hearings, outlining a common understanding of the rights and responsibilities generally afforded to students participating in the hearing process. Since every case is unique, the guidelines may be changed or modified by a hearing officer or conduct board as needed.

- Pending action on any alleged violations, a student's status is not altered, nor his/her/their rights suspended to be present on campus or attend classes, except to protect the health or safety of students, faculty, or staff or to safeguard university property.
- The university's burden of proof is to show that it is more likely than not that the student is responsible for the alleged violation or pattern of misconduct. The rules of evidence applicable to civil and criminal court cases do not apply. Hearing decisions are made based upon a preponderance of the information presented – whether a violation of university policy more likely than not occurred.

- A student is responsible for complying with all policies as listed in the Student Code of Conduct, including those that occur through encouragement or neglect.
- A student has the right to review the incident report and evidence presented by university staff upon request. The hearing officer/conduct board may also review the incident report and relevant information prior to the hearing.
- All written or physical evidence not contained in the originating incident report must be presented to the hearing officer or Community Standards staff member 24 hours before the hearing begins. Evidence must be pertinent to the charges in question and will be admitted at the discretion of the hearing officer/moderator or Community Standards staff member.
- Written witness statements must be presented to the hearing officer or Community Standards staff member 24 hours before the hearing begins. A witness is defined as someone who observed the actual incident and may be called in to discuss his/her/their statement prior to the hearing. Character witnesses are not allowed. A pre-hearing meeting is at the discretion of the hearing officer/moderator or Community Standards staff member. Witnesses and witness statements will be admitted at the discretion of the hearing officer or Community Standards staff member. It is the responsibility of the student to notify their witnesses of the date, time, and place of the hearing. If witnesses fail to appear, the hearing may be held in their absence.
- A student may have a faculty or staff advisor (or in Title IX cases, a person of his/her/their choice) present at the hearing. Except in TIX cases, the student's advisor may not participate directly in any aspect of the hearing and may only confer with the student. An advisor will not be allowed to disrupt the hearing by recess or conference outside the hearing. It is the student's responsibility to present all aspects of his/her/their own case. A student must notify the hearing officer or Community Standards staff member of the student's advisor 24 hours before the hearing begins.
- The university works to accommodate the students and hearing officer/conduct board members' schedules. To resolve complaints in a timely way, neither advisors nor witnesses are consulted when scheduling a hearing. If unavailable during the scheduled hearing time, the student may choose another advisor and/or ask the witness to provide a written statement.
- A student may refuse to answer a question, with the understanding that the hearing officer/conduct board must decide the matter based upon the information available at the time of the hearing.
- The hearing officer/moderator or Community Standards staff member exercises discretion over admission of any person into the hearing.
- In incidents involving more than one party, the hearing may be conducted as a joint hearing.
- The hearing is conducted formally and summary notes may be kept. A hearing officer/conduct board may audio record the hearing if it is deemed appropriate.
- If a student is found responsible, the hearing officer/conduct board reviews the student's full conduct record to decide if a sanction should be more severe based upon past history. This information is not used to determine a student's responsibility for alleged violations.
- No later than five business days following the hearing, a student receives a letter electronically from the hearing officer or Community Standards staff member, informing him/her/them of the hearing's results. Additional time may be needed if the case is complicated in nature. In cases involving both a complainant and respondent, both parties are notified of the outcome.
- A student who has participated in the hearing process and been found responsible for violating the Student Code of Conduct may file a written appeal. Appeals will only be granted if one of three criteria is met, as described in the appeal process section of the Student Handbook. In cases involving sexual assault, both the complainant and respondent may file an appeal.

- If the student fails to attend the hearing, the hearing occurs in his/her/their absence and the student forfeits the right to appeal the hearing officer or conduct board's findings.
- During the hearing, the university may accommodate concerns for the personal well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses by providing separate facilities, using a visual screen, and/or permitting participation by telephone, video conferencing, video and/or audio recordings, written statement, or other means. This determination is based on the judgment of the Community Standards staff, Associate Vice President of Student Experience, or designee.
- If any person exhibits behavior or language that is disruptive or threatening at any time during the course of a hearing, he/she/they may be dismissed with the process continuing without his/her/their presence or input.

Student Organization Recognition

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

Student Organization Conduct Standards

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

The Student Code of Conduct applies to both individual students and student organizations; the Student Organization Conduct Standards serve as a subsection of the Student Code of Conduct, ensuring that all student organizations' officers and members know and accept responsibility for their actions and the actions of their members and guests, and understand the responsibilities of holding official university recognition.

Additionally, the Student Organization Conduct Standards:

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

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

Student Organization Member Responsibilities

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

An individual acting as part of a student organization may be referred to the Office of Community Standards for adjudication of his/her/their behavior at the same time the student organization is held

to the Student Organization Conduct Standards. Any external proceedings have no impact on the university's internal hearing processes for students or student organizations.

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

Application of Standards

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

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

Process

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

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

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

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

Policies and Rules

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

- **University space or equipment violation**
Utilizing university space or equipment for purposes other than it was originally intended or specified, damage of university property, etc. In most cases, an agreement for space usage is signed by a student organization representative.
- **Organization policy or procedure violation**

Violation of a policy specified by the university or the Office of Student Involvement specifically intended to govern student organizations. Policies and rules governing student organizations are published yearly and can be accessed online in the Office of Student Involvement Handbook.

- **University policy violation**

The university identifies unacceptable student behavior in the Student Code of Conduct, published within the Student Handbook. Individual students and student organizations' behaviors are managed by the Executive Director of Community Standards and Student Support.

- **Federal, state, or local law violation**

When a student organization violates federal, state, or local law, the student organization may be charged with a disruption of community relations university policy violation, as well as in criminal or civil court.

Procedures

The following procedures comprise the Student Organization Conduct Standards process:

- **Step 1: Incident Reported**

Anyone may file a report alleging that a student organization violated a policy. Reports go to the Executive Director of Community Standards and Student Support, who informs the Director of Student Involvement about the alleged violation.

- **Step 2: Investigation**

Community Standards staff work with university staff to review the alleged violation and the associated information and evidence. The offices of Student Involvement or Public Safety will conduct the investigation, which may include, but is not limited to: Interviews, review of incident reports (including previously reported incidents), evaluation of police reports, and discussions with student organization members, advisors, and other witnesses. The investigation is not intended to determine responsibility, but to gather information/evidence to aid the Executive Director of Community Standards and Student Support and Director of Student Involvement's determination of whether the reported incident has merit/should move forward in the process.

- **Step 3: Student Organization Charged**

If merit is lacking, no charges are filed against the student organization and the information collected during the investigation is kept on file with the Office of Community Standards. If the case has merit, the Executive Director of Community Standards and Student Support and/or the Director of Student Involvement notify the student organization's president/chief officer and advisor, scheduling an initial conversation to discuss the alleged violation and the subsequent process.

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

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

If criminal charges are pending, a student may seek the advice of legal counsel in preparing for the meeting or hearing. When criminal charges are pending, a lawyer may be allowed attendance at the meeting or hearing, serving as either an observer or the student organization's hearing advisor. In an observation role, the attorney is limited to advising the student organization about answering questions that may be self-incriminating.

- **Step 4: Meeting or Hearing**

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

- **Step 5: Sanction Process**

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

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

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

- **Step 6: Decision Shared**

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

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

- **Step 7: Appeal**

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

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

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

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

Interim Conduct Action

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

UNIVERSITY COLLEGE RESIDENCE LIFE POLICIES

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

Appliances

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

The following rules apply to the use of electrical appliances:

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

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

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

Bathrooms/Showers

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

Courtesy Hours

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

Grills

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

Hall Sports and Activities

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

Health and Safety Regulations

Students are expected to abide by all Health and Safety regulations as noted in the Residence Life Handbook. For a full listing, please see there (include link).

Misuse of Residence

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

Motorized Vehicles

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

Occupancy

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

Pets

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

Fish are permitted with the following specifications:

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

Projectiles

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

Quiet Hours / 24-Hour Quiet Hours

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

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

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

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

Residence Damage Responsibility

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

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

Room Furnishings / Lounge

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

Unsanitary Conditions

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

Windows

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

UNIVERSITY COLLEGE ACADEMIC INTEGRITY POLICIES

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

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

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

Academic Misconduct

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

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

Alteration or Fabrication of Data

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

Cheating

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

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

Conspiracy

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

Electronic Devices

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

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

Misrepresentation

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

Multiple Submissions

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

Plagiarism

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

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

Unauthorized Collaboration

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

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

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

Classroom Attendance Responsibility

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

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

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

APPENDIX A: FERPA

Student Rights Under FERPA

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

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

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

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

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

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

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

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

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

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

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

Family Policy Compliance Office
U.S. Department of Education

400 Maryland Avenue, SW
Washington, DC 20202-5901

SNHU Directory Information

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

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

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

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

Solomon Amendment & FERPA

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

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

- SNHU Email Address
- Preferred Address

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

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

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

APPENDIX B: SEXUAL MISCONDUCT POLICY

Introduction

Southern New Hampshire University (“the University”) is committed to providing a workplace and educational environment that are free from Sexual Misconduct, including unlawful Sexual Harassment, or associated Retaliation, on the basis of sex. Accordingly, the University adopts this policy and the associated procedures for a prompt and equitable grievance process for claims of Sexual Misconduct and Sexual Harassment, including sexual assault, stalking, Sexual Exploitation, dating violence, or domestic violence, all as further defined in this Policy. The University encourages prompt reporting of these matters to allow the University to quickly respond, address allegations, and offer immediate support to the affected community members, as set forth in this Policy.

Reports of Sexual Harassment and any inquiries concerning this Policy should be directed to the University’s Title IX Coordinator, whose contact information is as follows:

Rebecca Lawrence
 Title IX Coordinator/Equity Officer
 105 Green Center
 2500 North River Road
 Manchester, NH 03106
 603.644.3188
r.lawrence2@snhu.edu
titleix@snhu.edu

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

Definitions

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

- **Advisor**
 Advisor means a person chosen by a Party or appointed by the University to accompany the Party to meetings related to the Resolution process, to advise the Party on that process, and to conduct cross-examination for the Party at the hearing, if any.
- **Complainant**
 Complainant means an individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct, Sexual Harassment, or Retaliation for engaging in a protected activity.
- **Confidential Professional**
 Confidential Professional means an employee who has a legally recognized professional duty of confidentiality and is not a Required Reporter of Notice of Sexual Misconduct, Sexual Harassment, or Retaliation on the basis of sex (irrespective of Clery Act Campus Security Authority status).
- **Consent:**
See Section 3.5 of this Policy.
- **Day**
 Day means a business Day when Southern New Hampshire University is in normal operation. It does not include weekends or holidays.
- **Education Program or Activity**
 Education Program or Activity means locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the Sexual

Harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Southern New Hampshire University.

- **Final Determination**
Final Determination means a binding conclusion by a Decision-Maker by a preponderance of the evidence whether the alleged conduct did or did not violate policy.
- **Finding**
Finding means a conclusion by a preponderance of the evidence that conduct alleged did or did not occur.
- **Formal Complaint**
Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation.
- **Formal Grievance Process**
Formal Grievance Process means the method of formal resolution designated by this Policy by which the University addresses conduct prohibited by this Policy in compliance with the legal requirements of 34 CFR Part 106.45.
- **Grievance Process Pool**
Grievance Process Pool includes any Investigators, Decision-Makers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case). At the discretion of the Title IX Coordinator, certain members of the Pool may be restricted to certain roles based on availability and individual training levels.
- **Decision-Maker or Panel**
Decision-Maker or Panel refers to those who have decision-making and Sanctioning authority within the University's Formal Grievance processes.
- **Investigator**
Investigator means the person or persons tasked by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- **Notice**
Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct, or of violations of this Policy. When used in lower-case format in this Policy, notice has its normal dictionary meaning.
- **Official with Authority**
Official with Authority means an employee of the University explicitly vested with the responsibility to implement corrective measures for harassment or other conduct prohibited by this Policy, on behalf of the University.
- **Party/Parties**
Party/ Parties include the Complainant(s) and Respondent(s), collectively. Neither the Title IX Coordinator nor the University are Parties.
- **Required Reporter**
Required Reporter means a University employee who is obligated by policy to share knowledge, Notice, and/or reports of Sexual Harassment, Sexual Misconduct, or Retaliation with the Title IX Coordinator. This reporting obligation is separate and independent from any reporting obligation under other University policies or from applicable state law reporting obligations with respect to child abuse, elder/incapacitated adult abuse, hazing/bullying, etc., though these responsibilities may overlap with reporting obligations set forth in this Policy.
- **Remedies**
Remedies are actions taken by University after a Final Determination, which are directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and ensure equitable access to the University's educational programs or activities.

- **Respondent**
Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct, Sexual Harassment, Retaliation for engaging in a protected activity, or otherwise violating this Policy.
- **Resolution**
Resolution means the result of an informal or Formal Grievance Process.
- **Retaliation**
Retaliation means words or actions that intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy or Title IX.
- **Sanction**
Sanction means a consequence imposed by the University on a Respondent who is found to have violated this policy.
- **Sexual Exploitation**
Sexual Exploitation occurs when an individual takes sexual advantage of another person for the benefit of anyone other than that person without that person's Consent, or in a circumstance where that person cannot legally Consent. Examples of behavior that could rise to the level of Sexual Exploitation include:
 - Prostituting another person;
 - Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's Consent;
 - Distributing, or threatening to distribute, images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not Consent to such disclosure and/or objects to such disclosure; and,
 - Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's Consent, and for the purpose of arousing or gratifying sexual desire.
 - Coercing a person into engaging in unwanted sexual activity by exploiting that person's substance or drug dependence.
- **Sexual Harassment**
Sexual Harassment means harassment on the basis of sex, sexual assault, stalking, dating violence, or domestic violence, each as further defined in Section 3.4 of this Policy.
- **Sexual Misconduct**
Sexual Misconduct includes a range of unwelcome conduct of a sexual nature occurring without Consent, including, Sexual Exploitation, Sexual Harassment, sexual assault, relationship violence (including domestic violence and dating violence), or stalking.
- **Student**
Student means, for the purpose of this Policy, any individual who has accepted an offer of admission, or who is registered or enrolled for coursework, and who maintains an ongoing relationship with the University.
- **Title IX Coordinator**
Title IX Coordinator is the official (or officials) designated by the University to ensure compliance with Title IX, this Policy, and the University's Title IX program. References to the Title IX Coordinator throughout this policy may also encompass a designee of the Title IX Coordinator for specific tasks, where appropriate.
- **Title IX Team**
Title IX Team refers to the Title IX Coordinator, any Deputy Title IX Coordinators who may be

designated from time to time, and any member of the Grievance Process Pool.

Policy

Scope

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

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

Conduct or grievances that fall outside the scope of this Policy may be addressed under other Southern New Hampshire University policies and procedures, as applicable. Nothing in this Policy shall be used to deny any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. or any regulations promulgated thereunder.

Purpose

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

Policy Statement

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

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

Prohibited Sexual Harassment

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

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

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

- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct (often referred to as "quid pro quo");
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
- Sexual assault, defined as:
 - **Sex Offenses, Forcible**
Any sexual act directed against another person, without the Consent of the victim, including instances in which the victim is incapable of giving Consent.
 - **Rape**
Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim. Attempts or assaults to commit rape are also included; however, statutory rape and incest are excluded (each defined separately below).
 - **Forcible Sodomy**
Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity.
 - **Sexual Assault with an Object**
To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - **Forcible Fondling**
The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - **Sex Offenses, Non-forcible**
 - **Incest**
Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape**
Non-forcible sexual intercourse, with a person who is under the statutory age of Consent.
 - **Dating Violence**, defined as: violence committed by a person—
 - who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship;
 - The frequency of interaction between the persons involved in the relationship.
 - **Domestic Violence**
Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in

common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of New Hampshire, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of New Hampshire.

- **Stalking**

Defined as: engaging in a course of conduct, 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.

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

Force, Coercion, Consent, and Incapacitation

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

- **Force**

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

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

- **Coercion**

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

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

Under New Hampshire state Law, a person under thirteen years of age cannot Consent to any

form of sexual contact. Individuals between the age of thirteen and sixteen cannot Consent to penetrative sexual activity. Individuals between the age of thirteen and sixteen cannot Consent to non-penetrative sexual activity with individuals who are more than five years older than they are. Individuals older than sixteen years of age can legally Consent to sexual activity.

- **Retaliation Prohibited**

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

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

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

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

- **Right to Report**

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

- **False Allegations and Evidence**

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

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

Role of the Title IX Coordinator

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

- regular training for faculty and staff outlining their rights and obligations under Title IX and this

Policy, including the appropriate response to reports of Sexual Misconduct, the obligation to report Sexual Misconduct (as applicable), and the scope and availability of confidentiality;

- annual training for other Title IX staff, Investigators, Decision-Makers, and any person who facilitates an Informal Resolution process, on the definition of Sexual Misconduct and Sexual Harassment, the scope of the University's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- annual training for Investigators on issues of relevance to create an investigative report that fairly summarizes relevant evidence;
- regular training for Decision-Makers on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
- regular training for students outlining their rights under Title IX; including with respect to Sexual Harassment, the reporting process (including reports to local law enforcement and confidential reporting to counselors or advocates), the procedures used to process complaints, applicable student conduct code provisions relating to Sexual Misconduct and the consequences of violating those provisions, the role of alcohol and drugs in Sexual Misconduct, the effects of trauma, strategies and skills for bystander intervention, the offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the Required Reporter employees who must report incidents to the Title IX Coordinator, and Title IX's protections against Retaliation.

Website and Training Materials

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

Requests for Confidentiality

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

Bystander Policy

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

Amnesty Policy

Students

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

Employees

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

Healthcare and Support Resources

Resources Available

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

Medical Treatment

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

Elliot Hospital

4 Elliot Way, Manchester, NH 03013

[\(603\) 669-5300](tel:6036695300)

Catholic Medical Center (CMC)

100 McGregor St, Manchester, NH 03102

[\(603\) 668-3545](tel:6036683545)

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

New Hampshire Sexual Assault Hotline

[1-800-277-5570](tel:18002775570)

New Hampshire Domestic Violence Hotline

[1-866-644-3574](tel:18666443574)

Community Services

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

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

Crisis Center of Central New Hampshire (CCCNH)

PO Box 1344, Concord, NH 03302-1344

Crisis Line: [1-866-841-6229](tel:18668416229)

Office: [603-225-7376](tel:6032257376)

YWCA Crisis Service

72 Concord Street, Manchester, NH 03101

Crisis Line: [603-668-2299](tel:6036682299)

Manchester Office: [603-625-5785](tel:6036255785)

www.ywcanh.org

Coalition agencies provide the following services:

- Support and information, available in person and through a 24-hour hotline
- Accompaniment, support, and advocacy at local hospitals, courts, and police departments
- Access to emergency shelter

- Peer Support Groups
- Assistance with protective/restraining orders and referrals to legal services
- Information and referrals to community programs
- Community and professional outreach and education

Financial Assistance Resources

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

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

On-Campus Resources

Basic non-emergency medical treatment, and counseling for on-campus students, are also available at the Campus Wellness Center, located in the Robert A. Freese Student Center. Students can access health services during normal business hours by walk-in and may reach the Wellness Center Counselors at 603-645-9679. Emergency counseling services are also available twenty-four hours a Day. During regular business hours, a student can speak with a counselor by contacting the Wellness Center staff. During nights, weekends and holidays, a student seeking emergency counseling can access services by contacting Public Safety or Residence Life who will notify a counselor on call.

Resources for Online Students and Remote Employees

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

Resources for Employees

Full and half-time University employees have access to the Employee Assistance Program (EAP) offered through Anthem, which provides assessment and referral for a wide range of concerns facing employees. To speak with a consultant please call [1-800-647-9151](tel:18006479151).

Reporting Sexual Misconduct, Sexual Harassment, and Retaliation

Reporting Policy

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

Reporting Process

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

- University College – Campus Students may file a report in one of two ways. First by filing a report in person at the Office of Public Safety or by filing an online Incident Form.
- College of Online and Continuing Education – Online Students may file an online Student Dispute Form through the Office of Dispute Resolution and Student Conduct.
- University Employees may contact their Human Resources Business Partner or submit a Complaint Notification Form.

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

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

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

Anonymous Reports

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

Contact Information for Reporting

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

Rebecca Lawrence, Title IX Coordinator, can be reached in person at The Green Center on the University’s main campus at 2500 North River Road, Manchester NH, by telephone at [603-644-3188](tel:603-644-3188), or by email at r.lawrence2@snhu.edu.

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

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

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

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

- Chief Operating Officer
- Executive Vice President, Human Resources

Reporting to the Police

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

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

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

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

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

Employee Reporting Obligation

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

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

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

Additional Reporting Resources

A student or applicant who believes that he or she has been discriminated against can also file a

Charge of Discrimination with the U.S. Department of Education Office for Civil Rights.

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

The Regional Office serving New Hampshire can be contacted at:

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

Timing of Complaints

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

Independence and Conflict of Interest

The Title IX Coordinator is responsible for oversight of the Title IX Team, and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator ultimately oversees all outcomes and Resolutions under this Policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any Party in a specific case, or for or against Complainants and/or Respondents, generally. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

To raise any concern involving bias or conflict of interest, or misconduct or discrimination committed by the Title IX Coordinator, contact the University's Chief of Staff, Donald Brezinski, by phone at [\(603\) 644-3109](tel:(603)644-3109), or email at d.brezinski@snhu.edu. The Chief of Staff may also coordinate with the Human Resources department regarding review and resolution of such concerns. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Privacy and Confidentiality

Disambiguation

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

Privacy

Privacy means that information related to a Formal Complaint will be shared with a limited number of

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

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

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

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

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

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

Confidentiality

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

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

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

Confidential Professionals will not inform the University’s Title IX Coordinator of an incident, unless a Complainant directs them to do so, but can still assist the Complainant in receiving other necessary protection and support, such as academic support or accommodations, disability, health or mental health services. As a practical matter, the full availability of some of these services may be limited in

certain circumstances by a victim's desire for confidentiality and level of cooperation.

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

Confidential Professionals

- **Professional and Pastoral Counselors**

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

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

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

Employees and students in the College of Online and Continuing Education (COCE), and other non-campus based students can also log on to the [COCE Wellness Center](#) webpage and find a list of available professional counseling resources in their state.

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

- **Registered Nurses**

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

- **Confidential Resource Advisors**

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

For purposes of this Policy, all University-appointed and trained Advisors within the Grievance Process Pool are designated as Confidential Resource Advisors. Advisors selected by parties from outside the Grievance Process Pool may not be designated as Confidential Resource Advisors as they may not have been trained or vetted by the University.

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

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

Exceptions to Confidentiality:

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

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

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

Supportive Measures and Emergency Removal

Supportive Measures

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

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

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

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

Supportive measures may include, but are not limited to:

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

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

Emergency Removals

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

In all cases in which an emergency removal is imposed, the student, employee, or two (2) representatives from a student organization will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting will be conducted remotely using electronic video conferencing technology whenever possible.

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

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

removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

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

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

Administrative Leaves

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

Grievance Procedures

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

- The Title IX Sexual Harassment Grievance Procedures set forth in Section 9 apply only to qualifying allegations of Sexual Harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) as defined in this Policy. The Sexual Harassment Grievance Procedures may be used to address collateral misconduct only if it is determined to be arising from the investigation of or occurring in conjunction with reported Sexual Harassment (e.g., Retaliation, vandalism, physical abuse of another).
- The Institutional Sexual Misconduct Grievance Procedures set forth in Section 10 apply to Sexual Misconduct that does not constitute Sexual Harassment within the definitions and/or jurisdiction of the Title IX regulations. Complaints that are dismissed from the Sexual Harassment Grievance Procedures may (and often are) referred to be processed under the Institutional Sexual Misconduct Grievance Procedures, including for Sexual Harassment that does not meet the jurisdictional requirements of Title IX.

Other Policies and Procedures

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

Timeframe for Response & Grievance Process

The University will conduct a timely review of complaints processed under either grievance process. Absent extenuating circumstances, review and Resolution is expected to take place within sixty (60) to

ninety (90) days from Notice or receipt of the Formal Complaint. Absent extenuating circumstances, decisions on appeals are typically issued within thirty (30) days of the date of receipt of the appeal.

Extensions

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

Title IX Sexual Harassment Grievance Process

Initial Assessment

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

- If Notice is given, the Title IX Coordinator seeks to determine if the Complainant wishes to make a Formal Complaint, explains the process to do so, and provides assistance with filing, if desired.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in³ the education program or activity of the University.
- The Title IX Coordinator reaches out to the Complainant to assess and offer supportive measures, (which may also have already been offered or provided prior to the filing of a Formal Complaint).
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant seeks supportive measures only, an Informal Resolution option (only after filing a Formal Complaint), or a formal investigation and grievance process.
 - If a Formal Complaint has not been filed, and the Complainant wishes only to pursue supportive measures, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation of appropriate supportive measures.
 - If the Complainant does not wish to file a Formal Complaint after the Title IX Coordinator describes the process, discusses availability of supportive measures, and considers the Complainant's wishes, the Title IX Coordinator may in their discretion still initiate a Formal Complaint by signing it in lieu of the Complainant. The Title IX Coordinator may consider a variety of factors in making this assessment, including a pattern of alleged misconduct by the Respondent.
 - If the Title IX Coordinator does not sign a Formal Complaint, and an Informal Resolution option is preferred by Complainant, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available, and seek to determine if the Respondent is also willing to engage in Informal Resolution. If so, each Party's voluntary written Consent is required to proceed with Informal Resolution.
 - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX Sexual Harassment and this procedure,
 - If it does, the Title IX Coordinator will initiate the formal investigation and

grievance process.

- If it does not, the Title IX Coordinator issues a determination that this procedure does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which other University policies may apply, which resolution process is applicable, and will refer the matter accordingly. Dismissing a complaint under these Sexual Harassment Grievance Procedures is procedural, and does not limit the University’s authority to address a complaint with other appropriate processes and Remedies. Complaints dismissed from the Sexual Harassment Grievance Procedures will often be referred to the Institutional Sexual Misconduct Grievance Procedures (Section 10) or other applicable University process for Resolution.

Dismissal (Mandatory and Discretionary)

The University must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in the Policy hereinabove, even if proved; and/or
- The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
- The conduct did not occur against a person in the United States.

The University may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

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

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

Counterclaims

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

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

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

Right to an Advisor

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

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

- **Who Can Serve as an Advisor**

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

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

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

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

- **Advisors in Hearings/The University-Appointed Advisor**

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

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

- **Advisor's Role**

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

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

- **Advisor Violations of University Policy**

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or directly represent

their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination, or as otherwise specifically permitted by this Policy.

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

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

- **Sharing Information with the Advisor**

The University expects that the Parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor if they wish. Doing so may help the Parties participate more meaningfully in the Resolution process.

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

- **Privacy of Records Shared with Advisor**

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

- **Expectations of an Advisor**

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

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

- **Expectations of the Parties with Respect to Advisors**

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

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

- **Resolution Processes**

Resolution proceedings are private. All persons present at any time during the Resolution process are expected to maintain the privacy of the proceedings in accordance with this Policy. While there is an expectation of privacy around what Investigators share with Parties during interviews, the Parties have discretion to share their own knowledge and

evidence with others if they so choose. The University encourages Parties to discuss this with their Advisors before doing so.

- **Informal Resolution Options**

Informal Resolution can include three different approaches:

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

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

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

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

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

- **Alternate Resolution**

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

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

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

The ultimate determination of whether Alternate Resolution is available (with Consent of the parties) or successful is to be made by the Title IX Coordinator. The Title IX Coordinator

maintains records of any Resolution that is reached, and failure to abide by the Resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable after a Resolution agreement has been signed.

- **Respondent Accepts Responsibility for Alleged Violations**

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

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

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

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

- **Negotiated Resolution**

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

- **Grievance Process Pool**

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

- **Pool Member Roles**

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

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

- **Pool Member Appointment**

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment

may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

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

○ **Pool Member Training**

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

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

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

● **Formal Grievance Process: Notice of Investigation and Allegations**

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

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved Parties (if known),
- The specific conduct alleged to constitute Sexual Harassment,
- The date and location of the alleged incident(s) (if known),
- A copy of the specific policies implicated (including this Policy),
- The URL of the University's public webpage with Title IX materials
- A description of the applicable procedures,
- A statement of the potential Sanctions/responsive actions that could result,
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that Final Determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the University's policy on Retaliation,
- Information about the privacy of the process,
- Information on the right of Parties to have an Advisor of their choice, who may be, but is

not required to be, an attorney,

- A statement informing the Parties that the University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution process,
- Detail on how the Party may request disability accommodations during the interview process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any bias or conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.
- Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition of various charges.
- Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties as indicated in official University records, or emailed to the Parties' University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

- **Appointment of Investigators**

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

- **Ensuring Impartiality**

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

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The Parties may, at any time during the Resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the University's Chief of Staff.

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

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

- **Investigation Timeline**

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

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

- **Delays in the Investigation Process and Interactions with Law Enforcement**

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

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

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

- **Steps in the Investigation Process**

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

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

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

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

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the Parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Notice should inform the Parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the Party
- Provide each interviewed Party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the Parties of any meeting or interview involving the other Party, in advance when possible
- When participation of a Party is expected, provide that Party with written notice of the

date, time, and location of the meeting, as well as the expected participants and purpose

- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each Party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other Party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the Parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors (if so desired by the Parties) with a list of witnesses whose information will be used to render a Finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors (if so desired by the Parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a Final Determination, for a ten (10) business Day review and comment period so that each Party may meaningfully respond to the evidence. The Parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator(s) may elect to respond in writing in the investigation report to the Parties' submitted responses and/or to share the responses between the Parties for additional responses
- The Investigator(s) will incorporate relevant elements of the Parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator shall have an opportunity to receive confidential legal advice regarding any aspect of the investigation or the report from the University's legal counsel
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all Parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The Parties are also provided with a file of any directly related evidence that was not included in the report

- **Role and Participation of Witnesses in the Investigation**

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

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

- **Recording of Interviews**

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

made aware of audio and/or video recording.

- **Evidentiary Considerations in the Investigation**

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

- **Referral for Hearing**

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

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

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

- **Hearing Decision-maker Composition**

The University will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator. The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the Resolution process in the event that a substitute is needed for any reason.

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

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

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

- **Evidentiary Considerations in the Hearing**

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

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

the Sanction stage of the process.

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

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

- **Notice of Hearing**

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

The notice will contain:

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

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

business Day goal for Resolution.

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

- **Alternative Hearing Participation Options**

The Title IX Coordinator or the Chair can arrange to use web or video conferencing technology to allow remote testimony and otherwise conduct a live hearing by video conference without compromising the fairness of the hearing. Remote options may also be needed during in-person hearings for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

- **Pre-Hearing Preparation**

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

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

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

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

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

- **Pre-Hearing Meetings**

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

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

- **Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of Sexual Harassment and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the Sexual Harassment, including related Retaliation.

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

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

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

- **Joint Hearings**

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

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

- **The Order of the Hearing – Introductions and Explanation of Procedure**

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

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

- **Investigator Presents the Final Investigation Report**

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

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

- **Testimony and Questioning**

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

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

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

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

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

- **Refusal to Submit to Cross-Examination and Inferences**

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

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

If charges of policy violations other than Sexual Harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any

relevant statement as long as the opportunity for cross-examination is afforded to all Parties through their Advisors, and may draw reasonable inferences from any decision by any Party or witness not to participate or respond to questions.

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

- **Recording Hearings**

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

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

- **Deliberation, Decision-making, and Standard of Proof**

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

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

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

- Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the Final Determination;
- Conclusions regarding the application of the University's Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a Final Determination regarding responsibility, any disciplinary Sanctions the University will impose on the Respondent, and whether Remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the University to the Complainant; and
- The University's procedures and permissible bases for the Complainant and Respondent to appeal.
- This report typically should not exceed five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the Parties.

- **Resolution Letter**

Within 7 days of receiving the deliberation statement, the Title IX Coordinator will assist the

Decision Maker to convey the deliberation statement to all Parties, including any Sanctions and findings of fact, in the form of a Resolution Letter, signed by the Decision Maker.

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

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

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

- **Sanctions**

- **Factors**

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

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

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

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

- **Student Sanctions**

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

- Warning A warning consists of formal notification that the student has violated the university's community standards and advises that repetition will result in a more severe Sanction.
- Reprimand At this increased standing, students understand a formal reprimand is in place.
- Residence Probation Students are placed on residence probation for a minimum of one semester. The Decision-Maker reserves the right to determine the length of probation based on the incident and the student's past history. Any violation of university policy during the probationary period may result in the student's referral for residence suspension.
- Residence Suspension automatically carries with it the status of persona non grata in the

residential areas. If the student has lost the privilege to live on campus, he/she/they is barred from the residence areas and will only be allowed in non-residential spaces, administrative and academic buildings, and the Dining Center between 7:30 am and 12:00 am. The student's vehicle may only be on campus during that time, and parking is restricted to Lots 1 or 12.

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

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

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

- **Employee Sanctions**

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

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

- **Withdrawal or Resignation While Charges Pending**

- **Students**

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

Should a student decide to not participate in the Resolution process, the process proceeds absent their participation to a reasonable Resolution. Should a student Respondent

permanently withdraw from the University, the Resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student with respect to Sexual Harassment.

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

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

- **Employees**

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

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

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

- **Appeals**

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

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

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

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

- **Grounds for Appeal**

Appeals are limited to the following grounds:

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

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

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

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

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

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

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

- **Sanctions Status During the Appeal**

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

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

- **Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the Finding only when there is clear error and to the Sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the Finding and/or Sanction(s).
- The Appeal Chair/Panel may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original

Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.

- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or Sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status.

- **Failure to Comply with Sanctions**

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

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

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

- **Recordkeeping**

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

- Each Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary Sanctions imposed on the Respondent;
- Any Remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- Any appeal and the result therefrom;
- Any Informal Resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on the University's website; and
- Any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment, including:
 - The basis for all conclusions that the response was not deliberately indifferent;
 - Any measures designed to restore or preserve equal access to the University's education program or activity; and
 - If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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

- **Disabilities Accommodations in the Resolution Process**

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

Students needing such accommodations or support should contact the Campus or Online

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

Southern New Hampshire University Institutional Sexual Misconduct Grievance Procedures

Scope

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

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

Procedure

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

For purposes of these Institutional Sexual Misconduct Grievance Procedures:

- **Advisors**
Advisors may attend Investigatory meetings and hearings, but may only provide input and advice to the student for whom they are appointed directly. They may not advocate directly or represent the student in any proceedings, nor question witnesses. Reasonable breaks or recesses can be provided to permit private consultation with Advisors.
- **Cross Examination**
Neither a student nor his or her Advisor is permitted to directly cross examine another Party. Questions for the witness may be submitted by the questioning student, and, after assessment by the Chair, may be asked, or modified, to the witness by the Chair directly.
- **Admissibility of Statements**
Statements made but which are not the subject of cross-examination may still be considered and weighed by the Decision-Maker(s). This may occur, for example, if a Respondent or Complainant does not attend a hearing, but made statements to the Investigator in the course of an Investigation. Section 9.28, therefore, does not apply.
- **Dismissal Requirements**
The mandatory dismissal requirements set forth in Section 9.2, Subsection I. do not apply. The discretionary dismissal standards articulated in Subsection II do apply. In addition, the Title IX Coordinator may dismiss any complain that would not constitute Sexual Misconduct or a violation of this Policy, even if proved, or if the Respondent is not subject to the University’s jurisdiction or control.

Revision of this Policy and Procedures

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

During the Resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any Party, such as to accommodate summer

schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

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

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

APPENDIX C: STUDENT DOMESTIC TRAVEL POLICY

Southern New Hampshire University (the University) supports and promotes domestic sponsored travel for academic purposes and enrichment while encouraging sound health, safety, and security measures that minimize risks to travelers and to the University.

Examples of activities and events that fall under this policy include:

- Academic field trips and residencies
- Student Government Association (SGA) Sponsored Trips, and
- Trips involving Students or recognized Student organizations representing the University at conferences, workshops, or other programs in an official capacity, including, but not limited to, those that fall under:
 - Athletics
 - Chandler Center
 - Office of Student Involvement
 - Global Campus and SNHU Operations

Definitions

Associate/Trip Leader(s)	Includes an employee, faculty member, staff member, or University personnel who Chaperone or supervise Students participating in domestic travel. Students working for the University are not considered Trip Leaders or Associates.
Trip Administrator	Includes an employee, faculty member, staff member, or University personnel who manage required travel forms, collection of participant information, and compliance with travel policy and reporting.
Student(s)	Includes any individual who is enrolled in at least one class at the University at the time of travel; or during the summer, is enrolled in at least one class at the University, or was enrolled in at least one class at the University the previous term, and is enrolled for at least one class at the University for the following term.
Other Participant(s)	Includes parents of minor children (if required), Chaperones, and any other person approved to participate in the trip.
Chaperone(s)	Includes an employee, faculty member, staff member, University personnel, or outside adult over 18 who is assisting the Trip Administrator in supervising Students on the Sponsored Trip
Travel Form Library	Includes travel forms, authorizations, and guidelines that support proper documentation of all trips.
Sponsored Trip(s)	Is defined as one that is initiated, planned, and arranged by a Trip Leader(s) or by members of a recognized Student organization that has been granted sponsorship by the University, is approved by an appropriate Administrator, with trip compliance managed by a Trip Administrator, and/or a trip that the University is actively involved with, or provides assistance financially, physically, or administratively. Sponsored Trip(s) includes: <ul style="list-style-type: none"> • Day and Overnight Trips organized by a Trip Leader(s) which appropriately follow this policy • Travel organized on behalf of the University recognized clubs or

	<p>organizations which appropriately follow this policy</p> <ul style="list-style-type: none"> • Day and Overnight Trips funded in whole or in part by the University • Day and Overnight Trips administered by, or in conjunction with, another institution or organization under an agreement with the University • Day and Overnight Trips organized and/or funded by University departments
Day Trip(s)	Are defined as special activities within the scope of the instructional program, which occur off campus, when accompanied by a Trip Leader(s) that do not require overnight accommodation. The start and end of the trip occur on the same day.
Overnight Trip(s)	Are defined as special activities within the scope of the instructional program, which occur off campus, when accompanied by a Trip Leader(s) that do require overnight accommodation.
Non-Sponsored Trip(s)	<p>Include:</p> <ul style="list-style-type: none"> • Travel that has no connection to the University or its educational, research, or service activities. Examples include personal travel, mission/service trips that are unaffiliated with a University organization, travel plan changes by Students or Other Participants that are not part of the travel itinerary approved prior to departure, and any other travel not described in the definition of “Sponsored Trip” • Travel that is organized by an entity other than the University, even when participants are recruited through University organizations or other on-campus marketing efforts, as long as the University has no role in overseeing or funding the travel
Approved Driver	A member of the University Community (associate, faculty member, staff member, or Student), 18 years of age or older, who has been authorized to drive a University Fleet Vehicle for University business
University Fleet Vehicle	All University-owned, leased, or rented vehicles driven while on official University Business

Policy Scope

This policy applies to University Trip Leaders, Students, and Other Participants engaged in University Sponsored Trips conducted domestically and off-campus. The Travel Authorization Form must be approved prior to sponsored travel (see Travel Form Library). The University assumes no responsibility or liability for Non-Sponsored Trips, including personal travel taken prior to, after, or during travel covered by this policy. In addition, the University is not responsible for any actions taken in violation of the Student Domestic Travel Policy. Participants are responsible for all costs and risks associated with such travel, including for emergencies, evacuations, and missed program expenses.

This policy does not cover Students independently attending off campus athletic/recreational events as non-participants, Student teaching, clinical, practicums, internships, field-based experiences, pre-professional experiences, observations or research. Additionally, this policy does not cover International Trips.

Purpose

To recognize the need for Student travel as an essential part of some programs, courses, or extracurricular activities and to ensure that adequate preparation and protections are in place with particular attention to the risks associated with domestic travel.

Roles and Responsibilities

All sponsored travel must be consistent with the mission of the University and/or sponsoring organization, and travel must not result in an undue hardship on Students' academic responsibilities.

All University Sponsored Trips must be chaperoned by a Trip Leader(s) who will be present for the duration of the trip and will act as the organization representative for the trip. Any exceptions must be approved by an appropriate Trip Administrator, Supervisor/Dean or designee.

The University Administrator reserves the right to restrict, deny, or postpone any University sponsored or supported domestic trip.

Students and Other Participants are responsible for their own behavior and any resulting consequences. The University will not be liable for any loss, damage, injury or other consequence resulting from a participant's failure to abide by the Student Handbook, Catalog, Student Code of Conduct, Sexual Misconduct Policy, and other University policies, rules, or regulations, the direction of the Trip Leader(s), or applicable law.

It is the responsibility of the Trip Leader(s) and Trip Administrators to ensure participant awareness and compliance with all University policies, rules, or regulations that affect the trip, including but not limited to, the current Alcohol and Other Drug Policy in the Student Handbook. All Trip Leaders, Students, and Other Participants who do not follow all University Policies, rules and regulations will bear full responsibility for any liability resulting from their travel.

The University will not be liable for the actions or inactions of others including but not limited to: participants, Trip Leaders acting outside the scope of their responsibilities, travel providers, carriers, lodging providers, third parties and others whose actions are not the result of the negligent acts of the University or its officials.

Required trips and trips with substantial purpose (e.g., required field trip for class credit, leadership retreat for recognized Student club, etc.) should be held at locations that are accessible to persons with disabilities. Voluntary, extracurricular trips should strive to be accessible, except when doing so would fundamentally alter the nature of the trip (e.g., hiking trip with inaccessible trails, etc.). Information about inaccessible trips should include language regarding the technical requirements required to participate that may be inaccessible (e.g., must be able to independently walk uneven, root-ridden trails; must be able to swim unassisted; must be able to independently climb stairs, etc.).

The Trip Leader(s) should discuss any concerns regarding accommodating Students with special needs with the Campus Accessibility Center or Online Accessibility Center prior to trip departure. See Trip Form Library for additional considerations regarding Student accommodations.

Any trip taken without prior approval, in accordance with this policy, may result in individual and/or organizational discipline.

Procedure/Approval Process

All Sponsored Trips must be pre-approved by a Supervisor/Dean or Designee. A list of all participants must be provided to the Supervisor/Dean or Designee, along with the Trip Administrator.

1. Evaluation of the risk of a trip by the Supervisor/Dean or Designee should include consideration

of:

- Specific instructions as part of the trip prior to the trip such as special clothing requirements, dietary needs, etc.
 - Weather conditions – Trip Leader(s) should monitor weather forecasts, sign up for University Alerts and should not drive if the University has closed due to weather concerns. If third party transportation is being utilized, the University defers to their policy.
 - Means of transportation
 - Physical accessibility of the trip location for Students with disabilities and appropriate technical standards for inaccessible trips
 - Adequate supervision
 - Access to emergency personnel (public safety on call 24/7) and facilities
 - Risk prevention/reduction
2. The Trip Leader(s) should fully advise participating Students of special requirements for the trip (e.g., technical standards, tax implications, special equipment needed, attire, environmental hazards, etc.)
- Trip participants should be aware that trip expenses funded by the University on behalf of a trip participant may have tax implications. Total trip expenses in a calendar year, funded by the University on behalf of a trip participant, that are valued at or exceed the Internal Revenue Service (IRS) set rate (currently \$600 per year), may be reported to the IRS and may constitute taxable income to the trip participant. Trip expenses funded by the trip participant are not considered taxable income under this rule. The University cannot provide individual tax advice, so please consult a tax advisor for any questions.
 - Trips using air travel, should comply with the [Federal REAL ID and Passport regulations](#).
3. The Trip Leader(s) or Sponsoring Department will advise Students of potential risk, technical standards (if any), and rules of conduct expected of each participant.
4. The Trip Leader(s) or Sponsoring Department will prepare a list of all participants, date, time, itinerary and a contact number for each. The Trip Leader(s) will submit the list, along with all signed waiver forms, to the Supervisor/Dean or Designee, Trip Administrator, as well as to the Office of Public Safety.
5. If there is an indication of an injury, Student conduct violation, or crime involving any trip participant on the trip, an Incident Report Form must be completed. To assist the University in complying with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, during check-out from the lodging/venue, the Trip Leader(s) must ask if any crimes occurred on property during the length of stay of trip participants. If any crimes occurred, an Incident Report Form must be completed by the Trip Leader(s) with the basics of the crime information, so that Public Safety may follow up with the hotel and local police for more information. This information will also be collected on the Post-Trip Summary form sent by the Trip Administrator.

Required Forms for Sponsored Trips

Required forms must be completed and submitted at the frequencies listed below. Exceptions to this timeline must be reviewed and approved by the respective Vice President of Academic Affairs or Designee. A link to the travel forms is located in Section 13.

Department or	Form Name	Frequency Forms
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Organization		are required to be completed
Chandler Center	<ul style="list-style-type: none"> • Travel Authorization Form • Student Traveller Contract • Procedures for Student Functions Involving Alcohol (when applicable) • Student Traveler Statement of Responsibility and Release from Liability • Expectations for Trip Chaperones • Leave Vehicle on Campus Form (when applicable via Public Safety) • Post-Trip Summary Report (upon trip completion) 	Beginning of each semester
Athletics (includes Club Sports and eSports)	<ul style="list-style-type: none"> • Emergency Response Plan • Procedures for Student Functions Involving Alcohol (when applicable) • Athletics Student Traveler Statement of Responsibility and Release from Liability • Expectations for Trip Chaperones • Emergency Contact Form • Leave Vehicle on Campus Form (when applicable via Public Safety) • Post-Trip Summary Report (upon trip completion) 	Beginning of each academic year OR beginning of each season
Faculty Lead Programs/Trips (FLP's)	<ul style="list-style-type: none"> • Domestic Trip Form • Travel Authorization Form • Procedures for Student Functions Involving Alcohol • Accessible Event Trip Guidelines (to be reviewed by Trip Leader) • Accessible Event Transportation Procedure (to be reviewed by Trip Leader) • Expectations for Trip Chaperones • Student Traveler Statement of Responsibility and Release from Liability • Leave Vehicle on Campus Form (when applicable via Public Safety) • Post-Trip Summary Report (upon trip completion) 	14 calendar days before trip occurs
Global Campus and Other Departments	<ul style="list-style-type: none"> • Domestic Trip Form • Travel Authorization Form • Procedures for Student Functions Involving Alcohol • Accessible Event Trip Guidelines (to be reviewed by Trip Leader) • Accessible Event Transportation Procedure (to be reviewed by Trip Leader) • Expectations for Trip Chaperones • Student Traveler Statement of Responsibility and Release from Liability • Leave Vehicle on Campus Form (when applicable via Public Safety) • Post-Trip Summary Report (upon trip completion) 	14 calendar days before trip occurs

Office of Student Involvement	<ul style="list-style-type: none"> • Off Campus Trip Summary – Student Involvement • Student Traveler Contract • Student Traveler Statement of Responsibility and Release from Liability • Expectations for Trip Chaperones • Emergency Response Plan • Procedures for Student Functions Involving Alcohol (when applicable) • Leave Vehicle on Campus Form (when applicable via Public Safety) • Post-Trip Summary Report (upon trip completion) 	48 hours prior to trip
Student Government Association (SGA)	<ul style="list-style-type: none"> • Trip Submission Form (through Office of Student Involvement) • SGA Budget & Finance Request for Conferences • Vehicle Request Form (through Office of Student Involvement) • Off-Campus Trip Contact Information (through Office of Student Involvement) • Off-Campus Trip Summary and Statement of Responsibility and Release from Liability • Emergency Response Plan • Procedures for Student Functions Involving Alcohol (when applicable) • Expectations for Trip Chaperones • Emergency Contact Form • Leave Vehicle on Campus Form (when applicable via Public Safety) 	<p>Process begins 8 weeks in advance (Overnight Trips) and 6 weeks in advance (Day Trips).</p> <p>Waiver and summary forms due 48 hours prior to trip</p>

All Sponsored Trips must be authorized in advance of travel. The Trip Leader(s) or Sponsoring Department must complete all required forms (as outlined above) and return to the Trip Administrator and Public Safety Office **before** the scheduled trip. A copy of all forms must also be maintained within the appropriate office (e.g., Faculty-led trip to respective Dean’s Office, Staff-led trip to the respective Student Affairs/Student Experience team, Student-led trips to Office of Student Involvement, etc.). If alcohol will be available at the event, the Procedures for Student Functions Involving Alcohol must be followed.

The Trip Leader(s) must check with the Trip Administrator in the appropriate office(s) (e.g., Faculty-led trip to respective Dean’s Office, Staff-led trip to the respective Student Affairs/Student Experience team, Student-led trips to Office of Student Involvement, etc.), prior to departure to verify all trip participants have submitted the appropriate forms. Under no circumstances should any Student be allowed to participate in the trip without the appropriate forms on file in the appropriate University Office. Forms given to the Trip Leader(s) on the day of the trip is not acceptable.

Responsible University Chaperone

At least one Trip Leader(s) must accompany Students on any University sponsored off- campus activity. As a general guideline, Day Trips should have 1 Trip Leader to 20 Students and Overnight Trips should have 1 Trip Leader to 12 Students. The designated Trip Leader is responsible for knowing and enforcing the policies set forth in this document and the Student Handbook.

University Trip Leader(s) are held to a high standard of conduct – one that will maintain the educational quality of the campus. It is required for all Trip Leaders to follow the University policies as well as

enforce them. It is also required for Trip Leaders to report any violation of University Student conduct. If a violation does occur, it is the responsibility of the Trip Leader(s) to fill out an Incident Report Form.

Orientation

All University Sponsored Trips involving Students must include a pre-departure orientation for all participants, arranged and conducted by the department, faculty/staff sponsor, or organization sponsoring the program or activity. Students who do not participate in the pre-departure orientation will not be able to participate in the trip. The orientation should include the planned itinerary; behavior expectations; transportation details; a reminder that Students must abide by all rules and regulations of the University including the Student Code of Conduct, local, state, and federal laws; a reminder that the Student Handbook will apply to participants in connection with the trip activities and all related matters including travel and overnight stays, and that failure to adhere to such rules and policies may lead to disciplinary action against said Student and sanctions may be applied to their team, club or organization, or department; and a review of the technical standards (if any) and the Emergency Response Plan.

Transportation

If a transportation company is not used (such as a chartered bus), the Trip Leader(s) must be an Approved Driver and must comply with the Driver Safety, Vehicle Use and Fleet Management Policy. When appropriate, travel with University provided transportation must begin and end on campus. However, to the extent there are required variances from this stipulation, all alternate considerations must be approved in advance of the departure for the trip by the Trip Leader(s). If the University does not provide transportation, then participants must meet at the site off campus and the trip will begin and end at the off campus site. Individual participants are personally liable for transportation to and from the site when the University does not provide transportation. The Trip Leader should not be responsible for planning or supervising the travel arrangements of participants when the University does not provide the transportation.

Accident and Medical Insurance

The University does not provide accident or medical insurance for Students participating in University-Sponsored Trips. The Trip Leader(s) should make Students aware that they are responsible for any accident or medical costs incurred as a result of their participation in the trip.

Student Athletes are covered for sport related injuries during off campus trips.

Emergencies

In the event of a minor accident or emergency while participating in a University Sponsored Trip, the affected participant(s) should immediately contact the Trip Leader(s) who must notify Public Safety as well as complete an Incident Report Form to be submitted to the appropriate office at the conclusion of the Sponsored Trip.

In the event of a serious accident or emergency, participant or Trip Leader(s) should contact 911. Subsequent to contacting 911, participant or Trip Leader(s) should contact Public Safety as soon as possible by calling 603-645-9700 making sure to leave a telephone number where he/she can be reached. Trip Leaders must also complete an Incident Report Form to be submitted to the appropriate office at the conclusion of the Sponsored Trip.

Travel in Violation of this Policy

Participants who choose to travel in violation of this policy, or outside the itinerary provided prior to departure, are acting outside the control and responsibility of the University and assume all risks and liability for their travel. The University assumes no responsibility or liability for Non-Sponsored Trips or for non-sponsored activities or programs including personal travel, taken prior to, after, or during travel

covered by this policy.

Distribution and Change of Policy and Procedure

A copy of this policy should be made available to every person traveling for any University-sponsored program or activity.

The University reserves the right to change this policy and procedures in light of changing circumstances affecting travel, safety, health, or other matters related to the best interest of the University and participants.

Related Policies, Forms, and Resources

- [Travel Form Library](https://snhu.sharepoint.com/sites/campusacademics/SitePages/Student-Domestic-Travel-Policy.aspx)
https://snhu.sharepoint.com/sites/campusacademics/SitePages/Student-Domestic-Travel-Policy.aspx
- [Incident Report Form – Campus Students](https://snhu-advocate.symplicity.com/public_report/index.php/pid590593?)
https://snhu-advocate.symplicity.com/public_report/index.php/pid590593?
- [Incident Report Form – Online Students](https://cm.maxient.com/reportingform.php?SouthernNHUnivCOCE&layout_id=6)
https://cm.maxient.com/reportingform.php?SouthernNHUnivCOCE&layout_id=6
- [Driver Safety, Vehicle Use and Fleet Management Policy](https://my.snhu.edu/staff/UAPL/ViewPolicies/Finance%20Policies/Facilities%20Management/SNHU_Driver_Safety,_Vehicle_Use_and_Fleet_Mgmt_Policy.pdf)
https://my.snhu.edu/staff/UAPL/ViewPolicies/Finance%20Policies/Facilities%20Management/SNHU_Driver_Safety,_Vehicle_Use_and_Fleet_Mgmt_Policy.pdf
- [Sexual Misconduct Policy](https://www.snhu.edu/consumer-information/title-ix-sexual-misconduct)
https://www.snhu.edu/consumer-information/title-ix-sexual-misconduct
- [Student Catalog & Student Code of Conduct](https://www.snhu.edu/admission/academic-catalogs)
https://www.snhu.edu/admission/academic-catalogs
- [Student Handbook & Student Code of Conduct](https://my.snhu.edu/Resources/StudentHandbooks/Pages/default.aspx)
https://my.snhu.edu/Resources/StudentHandbooks/Pages/default.aspx
- [Student International Travel Policy](https://my.snhu.edu/staff/UAPL/ViewPolicies/Government%20and%20Legal%20Policies/Legal/SNHU_International_Travel_Policy.pdf)
https://my.snhu.edu/staff/UAPL/ViewPolicies/Government%20and%20Legal%20Policies/Legal/SNHU_International_Travel_Policy.pdf
- [SNHU Procurement – Travel Information](https://my.snhu.edu/Offices/Procurement/Pages/default.aspx)
https://my.snhu.edu/Offices/Procurement/Pages/default.aspx
- [Travel and Business Expense Policy](https://my.snhu.edu/staff/UAPL/ViewPolicies/Finance%20Policies/Accounting/SNHU_Travel_and_Business%20Expense_Policy.pdf)
https://my.snhu.edu/staff/UAPL/ViewPolicies/Finance%20Policies/Accounting/SNHU_Travel_and_Business%20Expense_Policy.pdf