

**Manchester Community College**

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# **2024 Annual Security Report**

**2021-2023 Criminal Statistics**

## How the Annual Security Report is Prepared

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) requires all institutions of higher education to provide students and employees with information about their security policies, procedures, and statistics on reported incidents of certain crimes ("Clery Crimes").

Manchester Community College's (MCC) annual statistics include Clery Crimes that occurred on the MCC campus or on public property, as those terms are defined in the Clery Act (Clery Geography.) The Clery Act defines those terms as follows:

- Campus - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls.
- Non-campus building or property - (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- Public property - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

MCC's campus is located at 1066 Front Street in Manchester, New Hampshire. MCC Does not own or control any non-campus buildings or property. MCC non-student organizations do not own or control non-campus buildings or property. Because MCC does not have on-campus housing, the college is not required to provide policy statements on missing students nor is the college required to submit a fire safety report and associated statistics.

The annual crime statistics report includes information requested and obtained from the Manchester Police Department, and non-police Campus Security Authorities. "Campus security authorities" are defined by federal law as college officials who have "significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings." For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities. Reporting for the purposes of the Clery Act does not require initiating an investigation or disclosing identifying information about the alleged victim.

All the statistics are gathered, compiled, and reported to the College community via this report, which is published by the Office of Campus Safety. This report is made available

via email to all students and employees and posted on the college website. The Office of Campus Safety submits the annual crime statistics published in this report to the U.S. Department of Education. The statistical information gathered by the Department of Education is available to the public on its website.

## REPORTING OF CRIMINAL OFFENSES

The Office of Campus Safety encourages prompt and accurate reporting of all criminal matters. If you are a victim of a crime and do not want to pursue action within the college or criminal justice system, you may still want to consider making a confidential report.

At your request, and with your permission, the Campus Safety Director or a designee can file a report on the details of the incident without revealing your identity. The purpose of the confidential report is to comply with your wishes to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime regarding a particular location, method or assailant and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the college. These anonymous reports can be filed either in the Campus Safety Office or by completing the online form at: <http://www.mccnh.edu/services/campus-safety/report-an-incident>

MCC has no general written policy regarding confidential reporting which would allow the victim or witness to remain anonymous. Persons wishing to contact Office of Campus Safety anonymously may call (603) 703-8487, or can fill out an incident report form located at <https://www.mccnh.edu/services/campus-safety/report-an-incident>

When filling out this report, do not include personally identifiable information (name, email address, phone number). Crimes reported to the Office of Campus Safety will be investigated by campus safety officers and adjudicated through the Student Services in accordance with the MCC judicial policy

Emergencies and crimes in progress can be reported using the following methods:

- Dial 9-1-1 to contact Emergency Services directly
- Push the button on any Emergency Call Box to contact Emergency Services directly
- If possible, notify campus safety at 603-703-8487

To report a past crime or incident:

- Call the campus safety mobile phone 603-703-8487 or Manchester Police at 668-8711.
- To report non-emergencies, call 603-703-8487 from any phone.
- Go to any office on campus and ask them to contact the Office of Campus Safety.
- Access the Campus Safety website and fill out the incident report form.

## Emergency Call Boxes

Manchester Community College has 911 Emergency Call Boxes located throughout the college campus, both internally and on the exterior of the building. In the event of an emergency, simply push the talk button to activate. You will be connected with a 911 dispatcher. Advise them of your emergency and location. The Office of Campus Safety must be notified after a 911 call has been completed.

## Campus Security Authorities

Campus officials that have a significant responsibility for students and campus activities are campus security authorities. The campus security authority's primary responsibility is to report allegations made in good faith to the reporting structure established by the institution. Individuals and offices that are identified as campus security authorities (CSA) are notified yearly, in writing that they are CSA's and what is required of them. This letter also includes a list of all Clery Act crimes and geographical location, as well as an explanation of the types of arrests and referrals for disciplinary action that apply to the Clery Act. CSA's are not expected to investigate the crime to determine its validity, simply to document the information and provide it to campus safety for follow up.

The following have been identified as campus security authorities:

Campus Safety	603-206-8222	Accessibility	603-206-8142
Title IX Coordinator	603-206-8177	Counselor	603-206-8117
VP Academic Affairs	603-206-8009	Student Life	603-206-8175
VP Student Services	603-206-8005	Athletic Director	603-206-8156
President's Office	603-502-8002	Athletic Coaches	603-206-8156

## Behavioral Intervention Team (BIT)

Manchester Community College supports all its students including those who may be experiencing difficulties in school or at home. If you're a student, or you know a student who needs tutoring assistance, a stress management plan or are experiencing emotional distress don't hesitate to contact the Behavioral Intervention Team through the Vice President of Student Affairs, Campus Safety, the Accommodation Counselor, or the President's Office. If you're a member of faculty and are aware of a student who is having difficulty adjusting to college life contact the BIT.

**What to Report:** In general, any behavior that disrupts the mission or learning environment of the college or causes concern for a student's well-being should be reported. This includes but is not limited to:

- Suspected violations of college policies.
- Repeated absences if wellbeing is a concern

- Incidents of academic dishonesty resulting in the lowering of a course grade, failure in a course, or dismissal from a course.
- Concerns about a student's well-being.
- Self-injurious behavior/ suicidal ideation or attempt.
- Erratic behavior (including online activities) that disrupts the mission and/or normal proceedings of college students, faculty, staff, or community.
- Threats of a weapon on campus.
- Hospital transport for alcohol and drug use/abuse.
- Behavior which appears to be dangerous or threatening to others.
- Other behavior that is inappropriate or disruptive.

BIT will act quickly to respond to reports; however, BIT team may not be able to provide an immediate response to a concern.

***Any campus community member can, and should, call 911 or Campus Safety if they feel threatened or an immediate response is needed.***

### **How to Report a Concern to the Behavioral Intervention Team**

1. Use Behavioral Reporting Form
2. Contact Campus Student Affairs Office and/or BIT Team Contact
3. Contact your department chair or direct supervisor

### **What Happens to a Behavioral Report Form:**

- 1) The report reviewed and is entered into a secure database
- 2) Notification is sent to the Office of Student Affairs and/or BIT designated report Receiver
- 3) Report is reviewed by Student Affairs/BIT
- 4) Reporter may be contacted for further information

**Potential Outcomes of Reports:** Depending upon the level of risk the behavior creates, the BIT may:

- Recommend no action, pending further observation.
- Assist faculty or staff in developing a plan of action.
- Refer student to existing on-campus support resources.
- Refer students to appropriate community resources.
- Make recommendations consistent with college policies and procedures.

**Confidentiality:** The work of the BIT and any outcomes are confidential. BIT members, management, and incident reporters must limit access to and dissemination of information on a need-to-know basis. Access to information should be granted only to those individuals for whom the information is necessary for a legitimate purpose.

## **Emergency Operations Plan**

Manchester Community College's All Hazard Emergency Operations Plan (EOP) provides a management framework for responding to human caused or natural disaster events, including response operations and recovery management. This plan will help guide Manchester Community College's response to incidents that may threaten the health and safety of the College community or disrupt its programs and operations. The Emergency Operations Plan uses the National Incident Management System (NIMS) and Incident Command System (ICS) as a basis for response. The use of NIMS and ICS enables MCC and other response agencies to effectively coordinate with each other. Jurisdictions involved include the Manchester Police Department, Manchester Fire and Rescue, CCSNH, and other city and state agencies.

The plan addresses the following areas and functional responses to hazards and threats.

### A. Functional Annexes

- Hold
- Secure
- Lockdown
- Evacuation
- Shelter
- Continuity of Operations (COOP)
- Communications and Warnings
- Family Reunification
- Establish an Emergency Evacuation Route
- Establish an Incident Command Post
- Recovery - Public Health, Medical, and Mental Health
- Threat Assessment

### B. Hazard/Threat Specific Annexes

- Active Shooter
- Biological or Hazardous Material Spill
- Cyber Incident
- Environmental Management Systems
- Pandemic, Epidemic and Infectious Disease Control
- Fire
- Flood or Water Event
- Improvised Explosive Device (Bomb) Threat
- Police / Suspicious Activity
- Snow Event
- Telephone System Failure
- Tornado and High Wind Event
- Utility Failure

## **SECURITY AND ACCESS**

MCC campus is located at 1066 Front Street in Manchester, New Hampshire. The campus consists of four buildings which include the Main Building, the Automotive Technology Building, the Advanced Technology Building, and the Facilities offices and garage. MCC does not have on-campus housing. Buildings on campus can be accessed during normal business hours which are typically Monday through Friday 7:00 am to 11:00 pm and Saturday 7:00 am-4:00 pm. The campus is generally closed on Sunday unless a special event is scheduled.

### **Intrusion Detection System**

During times when the MCC is closed, and employees are not present, the intrusion detection system will monitor the physical security of the campus. An audible signal will be heard in the event of a security breach. When the system is armed it is monitored by a monitoring service which will alert the police department if activated. The Manchester Police Department will then respond. The alarm monitoring service will also notify college officials of all alarms. Additionally, Manchester Community College has several emergency doors which are alarmed. These alarms are monitored by the staff.

### **Fire Alarm System**

The fire alarm system monitors fire, heat, and smoke conditions twenty-four hours a day. In the event that a fire alarm is activated, audible and visual (strobe) warning signals will be activated. In the event the college loses power, an emergency backup lighting system will be activated. The Manchester Fire Department responds to all activated fire alarms.

### **Surveillance and Video Management System**

The College has numerous surveillance cameras located throughout the campus both on the interior and exterior of the building. Video data is captured and stored on a digital server for thirty (30) days. The cameras are used for both real time monitoring and after-action investigations via the recorded data. The system is monitored and managed by the Office of Campus Safety.

### **Access Control System and Identification Cards**

The College has an access control system in place for the exterior entrance doors as well as the high value interior lab rooms. Staff and faculty are required to have and display their card access badges at all times when on college property. Access is given to high value labs through card access badges. The system is monitored and managed by the Office of Campus Safety.

- Staff and faculty identification cards can be obtained at the campus safety office in room 277.
- Student identification cards can be obtained in the learning commons located in room 268.

Manchester Community College does not own or control off-campus housing, on-campus housing, dormitories, or campus residence buildings; however, MCC has an agreement with UNH Manchester that allows a small number of MCC students to reside in their residence building at 1000 Elm Street. Off-campus housing at 1000 Elm Street is owned and controlled by the University of New Hampshire. The property is patrolled by UNH security personnel.

### **Safety and Security Maintenance**

Campus safety officers and the facilities/maintenance department routinely inspect the campus for unsafe conditions, such as lighting, damaged doors and windows, slip and fall hazards. Campus safety also inspects AED's, fire extinguishers, blue light call boxes, elevator call boxes, and panic buttons. Employees can request maintenance repairs by visiting <https://www.mccnh.edu/faculty-and-staff-resources>. If a student or visitor discovers an unsafe condition, they should report it to a member of faculty, staff, or campus safety.

### **Campus Safety and Security Officers**

The Office of Campus Safety operates during the normal operating hours of the college and employs 4-6 part-time campus safety officers who have considerable experience in law enforcement and security, however, campus safety officers are NOT sworn law enforcement personnel and do not have the power or the authority to enforce State or local laws. They do have the authority to enforce community college rules and policies within their jurisdiction of the Manchester Community College campus at 1066 Front Street, Manchester, NH.

Campus safety officers promote lawful behavior and protect the welfare of students, faculty and staff as a uniformed presence on campus. Campus safety officers perform foot and vehicle patrols of the college campus to monitor behavior, secure buildings and property, investigate disturbances, maintain order during events, and enforce college regulations.

In emergency situations, campus safety officers respond to the scene of incidents, provide first aid, and alert police or EMS personnel as appropriate. They maintain radio communication with other safety personnel and officers on campus, helping to coordinate emergency plans. They also write and submit incident reports as appropriate. Although campus safety officers do not have arrest powers, the Office of Campus Safety maintains a working relationship with the Manchester Police Department, NH State Police, and New Hampshire Homeland Security. Campus Safety Officers frequently work with federal and state officers who provide dignitary protection services for visiting dignitaries. Additionally, a Memorandum of Understanding has been implemented between Manchester Community College and the Manchester Police Department to effectively address alleged crimes.



## TIMELY WARNING & EMERGENCY NOTIFICATION POLICY (CCSNH POLICY)

### I. Policy Statement

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

II. Policy Purpose In compliance with the Higher Education Opportunity Act (HEOA) of 2008, and the Jeanne Clery Act, 20 U.S.C. 1092(f), the purpose of this policy is to set forth the procedures by which the CCSNH will provide emergency notification or timely warning to the College community in the event that a significant emergency or dangerous situation is reported that poses an immediate, imminent, or impending threat to members of the College community; or a crime or incident is reported that poses a threat to members of the College community. *Note: Warnings and notifications will be issued without delay unless issuing the notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.*

### III. Scope of Policy

Timely warnings will be issued in response to reported crimes committed either on campus or, in some cases, off campus that, in the judgment of the College, constitute a serious or continuing threat to members of the College community. Timely Warnings are disseminated for the following FBI Uniform Crime Report/National Incident Based Reporting System Classifications: arson, criminal homicide, sex offenses (forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape), robbery, aggravated assault, burglary, and hate crimes. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case, and the information known to the CCSNH. For example, if an aggravated assault occurs between two students who have a disagreement, there may be no ongoing threat to other members of the College community; therefore, a Timely Warning would not be disseminated. Emergency notifications will be issued in response to a significant emergency or a dangerous situation, either on campus or, in some cases, off campus that, in the judgment of the College, constitute an immediate, imminent, or impending threat to the health or safety of members of the College community. (MCC note not in policy)

### IV. Timely Warning Protocol

The issuing of a timely warning notice must be decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. To provide timely notice to the College community, and in the event of a serious incident which may pose a threat to members of the College community, an email Timely Warning is sent to all students, faculty and staff. Updates to the College community about any case resulting in a Timely Warning may be distributed via email, may be posted on the College website, or may be shared with local news media. The College may not provide Timely Warnings about those crimes reported to

a pastoral or professional counselor. All crime reports requiring a decision to issue a Timely Warning shall be documented on a Timely Notice Determination Form detailing why the College did or did not issue a Timely Warning. The College must maintain a record of each Timely Notice Determination Form for seven (7) years from the date the form was completed.

#### V. Emergency Notification Protocol

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

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

The Emergency Management Group or select members of management are responsible for the deployment of the Alert system for use in disseminating emergency notification/information. The College President or designee will issue all Emergency Alerts. *(MCC note) The emergency management group is responsible for confirming emergencies and dangerous situations. This will be accomplished by evaluating first-hand knowledge, contacting local and state public safety officials, or evaluating reputable media reports.*

Generally, all current, students, faculty, and staff will receive notification of all Emergencies and Timely Warnings.

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

##### A. Timely Warning

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

##### B. Emergency Notification:

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

*MCC Note: In the event that the surrounding community and/or cities need to be notified regarding an emergency or crime, the President, or designee, will confer with local public safety officials to draft and disseminate a joint statement as appropriate.*

## **Evacuation Protocol**

The purpose of the evacuation protocol is to safely evacuate students, employees, and visitors out of a building or away from the campus.

Situations that may require an evacuation:

- Fire or indications of a fire, such as smoke.
- Roof collapse or other structural damage.
- Bomb Threat or other public safety threat.
- Impending natural disaster.

### **ACTIVATION AUTHORITY**

- College President or Designee.
- As a result of a fire alarm.
- Campus Safety Director or on-duty campus safety officer

As with all emergency communications, compliance with directives is mandatory for anyone on Manchester Community College property. Read or listen to the message to ensure you understand the reason for the Evacuation. Upon receiving directive to “Evacuate” or Upon hearing or seeing a fire alarm:

## **II. RESPONSE**

### **Classroom or Office**

1. Quickly gather personal belongings (purse, keys, phones, backpacks). You may not be allowed back into the building.
2. Quick Peek. Prior to leaving the classroom or office quickly peek into the hallway to ensure an armed intruder isn't using a fire alarm as a diversion.
3. Exit. Follow EXIT signs. Immediately leave the building following the most direct route. Do not use elevators.
4. Assist. Faculty should assign someone to aid in assuring students with disabilities are directed to the evacuation point.
5. Faculty should turn off all gas and electrical appliances. The lights should be left on, the corridor door closed and left unlocked.
6. Upon exiting the building move well away from the building. This will prevent a "log jam" of people at the entranceway and allow the fire department swift access.
7. Re-entry: Campus Safety will notify you when it is safe to return to the building.

### **Larger Gathering Spaces**

1. Upon hearing/seeing a fire alarm, or when directed to by campus safety personnel or staff, locate the nearest exit marked with an EXIT sign and leave the building.
2. Upon exiting the building, move well away from the building. This will prevent a "log jam" of people at the entranceway and allow the fire department swift access.
3. Re-entry: Campus Safety will notify you when it is safe to return to the building.

### III. EVACUATION WITHOUT FIRE ALARM

If an evacuation of a building is required due to unsafe conditions, such as a water leak, the following protocol should be followed if it can be done without endangering staff.

### IV. RESPONSIBILITIES

#### Human Resources

- Send an evacuation warning via the mass communications system "Evacuate to the ..."

#### Incident Commander/Leadership Team

- Clear the building of all employees, students, and visitors.
- Ensure police and fire have been notified.
- Notify the CCSNH Offices.
- Ensure two-way radios are in use.

#### Campus Safety

- If needed, initiate SECURE protocol to prevent people from entering buildings (See Secure Annex)
- Establish Evacuation Route out of the parking lot (See Evacuation Route Annex)

Other emergency response protocols include

1. **HOLD, "In your room, clear the halls"**: Used when hallways need to be kept clear of students and staff
2. **SECURE, "Secure the perimeter"**: Return to buildings or stay inside, secure doors and go about normal business.
3. **LOCKDOWN: "Locks, Lights, Out of Sight"**: Students and staff are instructed to secure individual rooms and keep quiet, out of sight, and in place.
4. **EVACUATION, "To another location"**, Used to move students and staff from one location to a different location in or out of the building.
5. **SHELTER, for hazard using a safety strategy**: each type and method is unique and is the protocol for group and self-protection.

*More information can be found on the I Love You Guys Foundation website. These protocols were reviewed and adopted by MCC in 2019 and are collectively known as the Standard Response Protocol (SRP).*

## **Emergency Operations Plan Review and Updates**

The (EOP) basic plan and its annexes are reviewed annually by the Safety Committee and others deemed appropriate by the college administration. The President, or designee, will establish a schedule for annual review of planning documents. The MCC EOP will be updated based upon deficiencies identified during incident management activities and exercises and when changes in threat hazards, resources and capabilities, or college structure occur.

## **Training and Exercising the Plan**

MCC understands the importance of training, drills, and exercises in maintaining and planning for an incident. To ensure that campus personnel and community first responders are aware of their duties and responsibilities under the college plan and the most current procedures, the following training, drill, and exercise actions will occur.

The Safety Committee will coordinate training and exercising efforts in accordance with the Homeland Security Exercise and Evaluation Program or local public safety evacuation guidelines. Exercise and drill outcomes will be documented by the Safety Committee.

Basic training and refresher training sessions will be conducted during the All-College Meeting. Mandatory College EOP for staff and faculty training may include:

- Hazard and incident awareness training for all staff.
- Orientation to the College EOP.
- First aid and CPR for essential staff.
- Team training to address specific incident response or recovery activities, such as Parent-Student Reunification, Special Needs, and Relocation.
- Two online FEMA courses: ICS 100 and IS-700. Both courses are available for free at FEMA's Emergency Management Institute Web site. Additional training will include drills, and tabletop and functional exercises. Drills will be conducted at least once per semester. Exercises should occur at least once per college year. Approved volunteers and community members will also be incorporated into larger training efforts.
- All MCC staff members are encouraged to develop personal and family emergency plans. Each family should anticipate that a staff member may be required to remain at college following a catastrophic event. Knowing that the

family is prepared and can handle the situation will enable college staff to do their jobs more effectively.

Awareness Training for students includes a presentation during student orientation and flyers posted on bulletin boards and in classrooms.

## **TITLE IX POLICY AND SEXUAL HARASSMENT FORMAL GRIEVANCE PROCEDURE (STUDENTS)**

### **POLICY APPLICABILITY, SCOPE, & JURISDICTION**

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

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

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

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

Substantial College interest includes:

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

If the Respondent is unknown or not a member of the CCSNH community, the Title IX Coordinator will assist the Complainant in connecting with campus and local resources as well as discuss support options. All vendors serving CCSNH through third party contracts are subject to the policies and procedures of their employers. When a party is participating in dual enrollment or an early college program, the College will coordinate with the party's home institution to determine jurisdiction and coordinate supportive measures.

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

## **POLICY STATEMENT AND PURPOSE**

### STATEMENT OF INSTITUTIONAL PHILOSOPHY

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

### NOTICE OF NON-DISCRIMINATION

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

### IMPARTIALITY AND CONFLICT OF INTEREST

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

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

Complaints may also be made to:

Office for Civil Rights (OCR)

U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

### DEFINITIONS

Complainant is an individual who believes they have been subjected to sex discrimination, sex-based harassment, sexual misconduct or retaliation or who is believed by another to have been subjected to such conduct, who was participating or attempting to participate in the Colleges education program or activity at the time of the alleged misconduct. This term will be used throughout the policy whether or not an individual chooses to file a complaint or participate in an investigation or resolution process.

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

Formal Complaint is a document filed orally, physically, or electronically by a Complainant or signed by the Title IX Coordinator alleging that a Respondent has violated the sexual and gender-based misconduct policy and/or engaged in retaliation for engaging in a protected activity, and requesting the college to investigate the allegations.

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

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

Parties include the Complainant(s) and Respondent(s), collectively.

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

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

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

Respondent is an individual alleged to have violated this policy.

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

Third Party Report is when someone who is not a mandatory reporter but who has information regarding someone else who may have experienced sex discrimination, sex-based harassment, sexual misconduct or retaliation reports that information. To make a third-party report, the individual should contact a member of the Title IX office or submit a Title IX reporting form.

Upon receipt of that information, Title IX staff will make a preliminary inquiry, which may include contacting the alleged victim, to determine whether further action is warranted.



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

Kristen Butterfield-Ferrell 603-206-8177

kbutterfieldferrell@ccsnh.edu

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

Prohibited Conduct under the purview of this policy includes the following 2:

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

2 The definitions of dating violence, domestic violence, sexual assault, and stalking used in this policy are consistent with the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act (Clery Act).

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

- Excluded a person from participation in;
- Denies a person benefits of; or
- Otherwise adversely affects a term of condition of a person's participation in a College program or activity.

B. Sex-Based Harassment: A form of sex discrimination and sexual harassment and other harassment on the basis of sex<sup>3</sup>, including sex stereotypes, sex characteristics, pregnancy, or related conditions, sexual orientation, and gender identity, sexual assault, dating violence, domestic violence, and stalking.

1. Quid Pro Quo: An employee agent or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct

2. Hostile Environment Harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity.<sup>4</sup>

3. Sexual Assault: Conduct defined as follows by the FBI NIBRS program definitions:

a. Rape<sup>5</sup>

i. The carnal knowledge of a person (i.e. penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that females or males could be Complainants under this definition);

ii. Oral or anal sexual intercourse (i.e. penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;

iii. To use an object or instrument (i.e. an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;

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

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

5 Both completed rape and attempted rape are prohibited by this policy

b. Fondling: The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for the purpose of this definition, “private body parts” include breasts, buttocks, or genitals whether clothes or unclothed);

c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by New Hampshire law;

d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent (In NH, the age is 16 unless two parties are legally married. A teenager under 13 cannot consent to any sexual contact. Between 13 and 16 may consent when their partner is less than four years older than they are).

4. Dating Violence: Violence<sup>6</sup> on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length/type of relationship and the frequency of interaction between the persons involved in the relationship.

1. Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse.

2. Dating violence does not include acts covered under the definition of domestic violence.

5. Domestic Violence<sup>7</sup>: Felony or misdemeanor crimes committed on the basis of sex committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is or has been cohabitating with the Complainant as a spouse or intimate partner or by a person similarly situated to a spouse under the domestic or family violence laws of the state of New Hampshire or by any other person against an adult or youth Complainant who is protected from that person's acts under domestic or family violence laws of the state of New Hampshire.

6. Stalking: Engaging in a course of conduct<sup>8</sup> on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this

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

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

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

definition, course of conduct means two or more acts including but not limited to acts in which the Respondent directly, indirectly, or through third parties by any action, method, device, or other means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Sexual Misconduct is defined under NH RSA 188-H as all forms of sexual harassment under Title IX, Title VII or State law and any other incident of sexual violence, gender-based violence, or violence based on sexual orientation or gender identity or expression.

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

its implementing regulations, this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an

investigation, informal resolution, proceeding, or hearing regarding prohibited conduct. Retaliation is strictly prohibited.

Intimidation, threats, coercion, or discrimination including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts/circumstances as a report/complaint of sex discrimination, report, or formal complaint of sexual harassment for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any adverse action taken against a person because they made a good faith report of prohibited conduct or participated in any proceeding under this policy.

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

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

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

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

Consent for sexual activity is clear indication, either through verbal or physical actions, that parties are willing and active participants in sexual activity. Such authorization must be made

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

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

free of force, threat, intimidation or coercion and must be given actively and knowingly in a state of mind that is conscious, rational, and not compromised by alcohol or drug incapacitation. Only a person of legal age can consent.

Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Going beyond boundaries of consent is prohibited. Engaging in activities such as slapping, hitting, hair pulling, strangulations, or other physical roughness without obtaining consent may constitute dating violence or sexual assault<sup>11</sup>.

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

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

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

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

Consent must still be attained even if:

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

<sup>11</sup> Consent in the context of the relationship is considered. When parties consent to certain

forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “non” may be a part of the kink and may be consensual. The totality of the circumstances will be evaluated.

#### Online Sexual Harassment and/or Retaliation

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

Any online posting or other electronic communication by students including cyber-bullying, cyber-stalking, cyber harassment, etc. occurring completely outside of the College’s control (not on College network, websites, or between school email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption. This policy is not intended to infringe upon or limit a person’s rights to free speech. Supportive measures for complainants can be provided, but legally protected speech cannot be subjected to discipline.

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

#### Inclusion Related to Gender Identity/Expression

CCSNH strives to ensure that all individuals are safe, included, and respected in their work and learning environments regardless of their gender identity or expression. This includes intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees.

Discrimination and harassment on the basis of gender identity or expression is not tolerated by CCSNH. If a member of the community believed they have been subjected to discrimination under this policy, they should follow the reporting steps outlined below.

In upholding the principles of equity and inclusion, CCSNH supports the full integration and healthy development of those who are transgender, transitioning, nonbinary, or gender-diverse and seek to eliminate any stigma related to gender identify any expression. CCSNH is committed to fostering a climate where all identities are valued, which contributes to a more vibrant and diverse community. As our societies understanding of gender evolves, so do CCSNH processes and policies.

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

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

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

## PROCEDURES

### 1. CONTACT INFORMATION

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

Kristen Butterfield-Ferrell 603-206-8177

[kbutterfieldferrell@ccsnh.edu](mailto:kbutterfieldferrell@ccsnh.edu)

### 2. IMMEDIATE RESPONSES TO SEXUAL OR GENDER-BASED MISCONDUCT COVERED BY THIS POLICY

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

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

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

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

- Obtaining a forensic sexual assault examination (before 120 hours or as soon as possible)
- Preserving any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags)
- Preserving any related electronic communications (text messages, emails, Facebook, Instagram, Snapchat, TikTok, or other social media posts to the extent that they can be captured/preserved)



- Preserving any photographs (including stored on smartphones or other devices)
- Preserving any voicemail messages and other physical, documentary, and/or electronic data that might be helpful or relevant in an investigation

Contact information for immediate response resources include the following:

#### Confidential Resources:

Victims of sexual misconduct/sexual harassment may pursue assistance and/or support confidentially by contacting a New Hampshire Domestic and Sexual Violence Crisis Center. Confidential support services are available to anyone who has been impacted by sexual misconduct, sexual harassment, domestic violence, dating violence or stalking. Services are open and affirming to all, and an individual need not be in crisis to call.

#### Manchester Area Crisis Center:

REACH NH Crisis Services

<https://www.reachnh.org/>

603-668-2299 (crisis phone line, 24/7)

603-836-9620- SMS/Text/WhatsApp, M-F 9am-4:30pm

Immediate, confidential help is also available by calling:

- New Hampshire 24-hour Domestic Violence Helpline: 1-866-644-3574
- New Hampshire 24-hour Sexual Assault Hotline: 1-800-277-5570
- National 24-hour Sexual Assault Hotline: 1-800-656-4673

Conversations with crisis centers and crisis line volunteers and advisors (who are also confidential resources) are protected under New Hampshire's confidentiality statute (NH RSA 173-C).

#### MCC Campus Safety

(603) 703-8487

#### Title IX Coordinator

Kristen Butterfield-Ferrell

603-206-8177

[kbutterfieldferrell@ccsnh.edu](mailto:kbutterfieldferrell@ccsnh.edu)

## Emergency Medical Services

Emergency medical services may also be accessed directly at either:

- Catholic Medical Center, 100 McGregor St. Manchester, NH 03103
- The Elliot Hospital, 1 Elliot Way, Manchester, NH 03103

## Local Law Enforcement

### Manchester Police Department

405 Valley Street

Manchester, NH 03103

(603) 668-8711

### State Police, Troop B

16 East Point Drive 6

Bedford, NH 03110

(603) 666-3334

### United States Attorney's Office [federal law enforcement]

53 Pleasant Street, 4th Floor

Concord, NH 03301

## 3. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

### A. Emergency Removal in Title IX Cases

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

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

In all cases in which an emergency removal is imposed, the respondent will be given notice of the action and the option to request to meet (in person or virtually) with the CCSNH Director of

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

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

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

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

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

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

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

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

#### 4. REPORTING OPTIONS

CCSNH encourages individuals to report incidents covered under this policy so that they can get the support they need and the College can respond appropriately while maintaining a safe

and secure campus. Although strict confidentiality may not be guaranteed, in all cases the College will handle information in a sensitive manner and will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to respond to reports of sexual or gender-based misconduct.

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

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

#### A. Confidential Resources and Confidentiality

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

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

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

Manchester Area Crisis Center:

REACH NH Crisis Services

<https://www.reachnh.org/>

603-668-2299 (crisis phone line, 24/7)

Campus Resource Advisors: New Hampshire State law §188-H:7 permits CCSNH to establish confidential resource advisors. These are privileged individuals designated by the College that are not required to notify the College Title IX Coordinator or a law enforcement agency when they learn about potential incidents of sexual misconduct.

Confidential resource advisors receive training in the awareness and prevention of sexual misconduct and trauma-informed response. The designated confidential resource advisor for Manchester Community College is REACH NH Crisis Services, listed above.

April 2024 Title IX regulations contemplate that certain information will generally be treated as confidential except as qualified by statements in those regulations. For example, the regulations provide that colleges must maintain as confidential any supportive measure provided to complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the institutions to provide the supportive measures. The regulations also provide that colleges must keep confidential the identify of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sex based harassment, any individual who has reported to be the perpetrator of sex discrimination, any complainant, any respondent, and any witness except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. 1232g, or FERPA regulations 34 CFR part 99, or required by law, or to carry out the purposes of Title IX regulations including conduct of any investigation, hearing or judicial proceeding arising under those regulations.

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

Conduct prohibited by this policy may be reported by using any of the following options:

1.) Utilizing the online reporting form which can be found at this link. Reporting via this online form allows the College to reach out to the reporter and/or complainant to request further information, offer supportive measures, and information about resolution options. This does not obligate a complainant to participate in a resolution process. CCSNH strives to respect a complainant's wishes regarding the pursuit of formal resolution procedures unless there appears to be, for example, a compelling threat to their/the community's health and/or safety. The complainant is largely in control and should not fear loss of privacy by making a report that allows the College to discuss the matter with them and/or provide supportive measures. If an online reporting form is completed anonymously with no identifying information for the complainant, the College's ability to offer supportive measures, appropriately investigate the incident, and/or pursue disciplinary action against the alleged may be limited.

2.) Report, give verbal notice of formal complaint, or file a formal complaint with the Title IX Coordinator. Such a report may be made at any time (including non-business hours) by using the telephone number, email address, or mailing address listed for the Title IX Coordinator or any other listed official. Directly contact the Title IX Coordinator at the following contact information:

Title IX Coordinator

Kristen Butterfield-Ferrell

603-206-8177

kbutterfieldferrell@ccsnh.edu

3.) Reporting to a mandatory reporter: all CCSNH employees are deemed mandatory reporters for purposes of this policy. Mandatory Reporters include any administrator, supervisor, and faculty member who does not have a statutory privilege of confidentiality by law or who has not otherwise been designated as a confidential resource advisor. Mandatory reporters who learn of an incident of sexual or gender-based misconduct involving a student or employee are required to report that information to the Title IX Coordinator as soon as possible. Mandatory reporters who themselves are a target of discrimination, harassment, or other misconduct under this policy are not required to report their own experience, though encouraged to do so. If a Mandatory Reporter fails to comply/report an incident or interferes with an investigation, that employee may be subject to disciplinary action. General inquiries to mandatory reporters about policies and procedures and conversations where the alleged perpetrator is not named or implied from the circumstances would not constitute reports for the purpose of this policy. These types of inquiries should nonetheless be directed to the Title IX Coordinator.

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

#### C. Disclosure to Mandatory Reporters

When a mandatory reporter learns of an incident that could constitute sexual or gender-based misconduct involving a student, faculty, staff, or covered third party, the mandatory reporter must report available information about the incident to the Title IX Coordinator as soon as possible as outlined above. Information reported to a mandatory reporter will be shared with others only to the extent necessary to respond to the situation and support the parties and in accordance with state/federal law.

#### D. When a Complainant Does Not Wish to Proceed/Requests Confidentiality

If an individual discloses an incident of sex-based harassment and/or sexual misconduct to a mandatory reporter but does not wish for their information to be shared, does not wish for an investigation, or does not wish for a formal complaint to be pursued, the College will make every effort to respect this request and will evaluate the request against its responsibility to provide a safe, non-discriminatory environment for all students, faculty, and staff, including the complainant. As previously noted, there are times the College may not be able to honor this type of request.

If the College honors a confidentiality request, the College's ability to appropriately investigate the incident and pursue disciplinary action against the alleged may be limited. The College

designates its Title IX Coordinator as the individual responsible for evaluating confidentiality requests with the ability to consult as necessary with other College officials such as public safety or other threat assessment officials. The Title IX Coordinators decision could, for example, be based on results of a violence risk assessment that indicates there appears to be a compelling risk to health and/or safety and requires the College to pursue formal action to protect the community. Factors that may be considered in determining whether confidentiality should be maintained may include but are not limited to:

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

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

When the Title IX Coordinator signs a formal complaint, they do not become the complainant. The complainant is the individual who is alleged to be the victim of the conduct that would constitute a violation of this policy.

#### E. If Confidentiality is Requested but Cannot be Maintained

If the College determines that it cannot maintain an individual's request for confidentiality, the College will inform the reported complainant prior to conducting an investigation (unless extenuating circumstances are present). CCSNH will not require the reported complainant to participate in any investigation or disciplinary proceeding. The complainant may have as much or as little involvement in the process as they wish. The complainant retains all rights of a complainant under this policy irrespective of their level of participation. The College will, however provide certain notices to the complainant regarding the status of the investigation as required by the 2024 Title IX regulations. If the complainant chooses not to participate in a matter covered by the Title IX harassment procedures outlined below, the College will appoint an Advisor to conduct on behalf of the complainant cross-examination of the respondent and any witnesses at any hearing held regarding the matter.

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

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

#### F. When Confidentiality Can be Maintained

If the College determines that it can respect the individuals request for confidentiality, the College will offer informal resolution options, supportive measures, and remedies below to the complainant and the community to the extent possible where such measures are requested and reasonably available. If the complainant initially requests that the College take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, the complainant has the right and can expect to have allegations taken seriously by the College and to have incidents investigated and properly resolved through these procedures.

#### G. Disclosure During Internal Investigations and Adjudications and Unauthorized Disclosure of Information

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

Parties and advisors are prohibited from unauthorized disclosure of information obtained by the College through the resolution process to the extent that information is the work product of the College (produced, compiled, or written by the College for the purposes of investigation and resolution of a complaint). It is also a violation of College policy to publicly disclose work



product or a party's personally identifiable information without authorization or consent. Violation of this policy is subject to sanction.

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

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

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

#### I. Disclosure to Law Enforcement

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

### 5. SUPPORTIVE MEASURES

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

It is not necessary to file a formal complaint, participate in an adjudication process, or file a criminal complaint in order to request supportive measures from the College. Both complainants and respondents may request and receive supportive measures which are non-

disciplinary, non-punitive individualized services offered as appropriate, as available, and without fee or charge. Violations of certain supportive measures may be referred to the conduct office for processing.

Supportive measures may include but are not limited to:

- Educational Conversations which allow the Title IX Coordinator to address allegations with the respondent in a meeting to discuss concerning behavior and institutional policies/expectations. These are non-disciplinary and non-punitive. Respondents are not required to attend such meetings or compelled to provide any information if they attend. The Title IX Coordinator will update the complainant after the conversation is held and the complainant may be satisfied and chose to not pursue the report further or chose to file a formal complaint to initiate the resolution process. If the complainant is satisfied with the results of the educational conversation but later the alleged behavior persists, they may discuss with the Title IX Coordinator additional options and/or file a formal complaint to initiate the resolution process;
- Mutual no contact orders restricting communications between parties;
- Campus no trespass orders;
- Academic accommodations, including to not limited to, deadline extensions, excused absences, incompletes, course changes/late drops, or other arrangements as appropriate;
- If applicable based on each CCSNH campus, residential accommodations including but not limited to, arranging for temporary housing assignment or new housing assignment as appropriate;
- Changing transportation or work arrangements or providing other employment accommodations as appropriate;
- Public Safety campus escort services (as available) and safety planning steps;
- Assisting the individual in accessing support services including (as available) victim advocacy, academic support, counseling, disability, health or mental health services, visa/immigration assistance, student financial aid services, and legal assistance both on and off campus as applicable;
- Informing the individual of the right to report a crime to local law enforcement and/or seek orders of protection, restraining orders, or relief from abuse orders from courts in the United States or courts outside of the United States as applicable, and aiding if the individual wishes to do so. The College will also work with complainants and others as appropriate to respect such orders on premises that it owns or controls, as necessary and appropriate.

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

The College will typically render decisions within seven (7) business days of receiving the written request. The decision will be provided in writing and provided to the impacted parties and Title IX Coordinator.

## 6. PURSUING A CRIMINAL COMPLAINT

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

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

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

## 7. MEDICAL CARE AND EVIDENCE PRESERVATION

Any individual who may be experiencing or has experienced sexual or gender-based misconduct is encouraged to immediately seek any necessary medical care and to seek help from appropriate College law enforcement, and/or medical personnel even if the individual is uncertain about whether to ultimately pursue a complaint, criminal charges, or seek a protective order. It is important for individuals to preserve all possible evidence in case they decide at some point to file a report of any nature. Therefore, if at all possible, as noted above, individuals should refrain from changing clothes, showering or otherwise changing their physical state after an incident until after consulting with medical and/or law enforcement about how to best preserve evidence. Individuals should also preserve any available electronic evidence related in any way to potential prohibited conduct such as text messages, social media postings/messages, and audio/video recordings or photographs.

## 8. OTHER POLICY VIOLATIONS

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

## 9. UNETHICAL RELATIONSHIPS

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

## 10. AMNESTY

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

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

Individuals should understand that the use of alcohol or drugs never makes them at fault for sexual misconduct, domestic or dating violence or misconduct, stalking, and/or related retaliation committed against them, nor does it mitigate accountability for committing these prohibited behaviors against another.

## 11. RECORD KEEPING

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

1. Each sex discrimination, sex-based harassment, and retaliation resolution process documentation, including any final determination regarding responsibility or appeal, and any audio or audiovisual recordings or transcripts required under federal regulation;
2. Any disciplinary sanctions imposed on the respondent;
3. Any supportive measures provided to the parties and any remedies provided to the complainant or the community designed to restore or preserve equal access to the College's education program or activity;
4. Any appeal and the result;
5. Any informal resolution and the result;
6. All materials used to train all members of the Title IX team, which will be available upon request;

7. All materials used to train employees consistent with the requirements of the 2024 Title IX regulations.

8. All records in compliance with NH:188H

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

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

## 12. ACCOMMODATIONS

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

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

## 13. PROVIDING FALSE INFORMATION

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

### A. Counterclaims

The College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. The college permits the filing of counterclaims but will assess the complaint for good faith. If what is alleged arises from the same set of facts as the original complainant, they may be investigated together at the discretion of the Title IX Coordinator. The counterclaim may also be investigated separately if arising from a different set of fact which can cause additional case delays.

## 14. RIGHT TO AN ADVISOR

All parties are entitled to an advisor of their choosing to guide and accompany them throughout a complaint resolution process. The advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise them that is available<sup>12</sup>. The College maintains a pool of (non-attorney) advisors who are available to parties. A list of said advisors will be provided during the intake process. No College official is required to serve as an advisor if they choose not to do so. Outside advisors can request to be trained by the College. Parties may elect to change advisors during the process by providing timely notification to the Title IX.

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

Coordinator. A new release must be submitted and consent to share information with the previous advisor is assumed to be terminated.

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

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

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

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role or causes a disruption during the resolution process will be warned that they are doing so. If the advisor continues to disrupt or otherwise fails to respect the limits of their role, the advisor will be asked to leave the meeting. Subsequently, the Title IX Coordinator will determine whether or not the advisor may be reinstated.

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

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

The College generally expects an advisor to adjust their schedule to allow them to attend

meetings when planned but may change scheduled meetings to accommodate an advisors inability to attend as long as doing so does not cause an unreasonable delay. The College will

make provisions to allow for alternative forms of meeting including telephone, video, & virtual meeting. A party may elect to change advisors during the process.

## 15. INVESTIGATION AND RESOLUTION PROCESS

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

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

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

### A. Application to Employees

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

When an employee of the College is a party or witness to an investigation and resolution through this policy and its procedures, the employee shall have the right to have a representative who shall act as a consultant present in any and all related meetings. The Title IX Coordinator will coordinate with the CCSNH Director of Human Resources throughout the grievance process to ensure that any obligations under other applicable laws and regulations are met. Employees who are parties in Title IX matters will receive all of (but no more than) the rights that such employees must be provided under the 2024 Title IX regulations, but all other aspects of their relationship with the College and the handling of the matter will be governed by otherwise applicable College employment practices and policies.

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

B. Initial Meetings with the Title IX Staff

i. Complainant

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

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

ii. Respondent

If the complainant submits a formal complaint or if the Title IX Coordinator determines that the College must investigate a report<sup>13</sup>, the Title IX Coordinator will send the respondent a notice of allegations and investigation (NOAI).

NOAI: Included in the NOAI will be a meeting time with the Title IX Coordinator and the following information:

- Information about the College's formal and informal resolution processes;

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

- A statement of the allegations of behavior potentially constituting prohibited conduct including sufficient detail known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identity of the parties



involved in the incident if known, the conduct allegedly constituting prohibited conduct, and the date/location of alleged incident if known;

- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notification that parties may have an advisor of their choice who may be but is not required to be an attorney;
- Notification of existing counseling, health, and mental health services available on campus and/or in the community;
- Notification that taking any retaliatory action (directly or through others) against any person because they are involved in the investigation is prohibited and will be considered a separate violation of College policy.

The notice will also notify parties that they may inspect and review evidence during the investigation and resolution process as provided below. If during the course of an investigation the College decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known and issue an amended NOAI.

At the initial meeting, the Title IX Coordinator will do the following as applicable:

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

#### C. Violence Risk Assessment

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

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

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

#### D. Formal Complaints

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

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

If a formal complaint of conduct that would, if proved, satisfy all of these elements and is filed verbally or signed by a complainant or signed by the Title IX Coordinator, it will be investigated and resolved through the procedures applicable to Title IX. Again, in cases where the complainant does not wish to submit a formal complaint but the Title IX Coordinator decides in their discretion to sign a complaint and initiate an investigation and resolution process, the Title IX Coordinator will not be a complainant or otherwise a party to the matter.

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

#### D. Dismissal

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

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

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

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

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

Grounds for dismissal appeals are limited to:

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

Upon receipt of a written dismissal appeal, the Title IX Coordinator will share the petition with the other party and provide three (3) business days for the other party to respond. The appeal should specify at least one of the grounds above and provide reasoning/supporting evidence for why the ground is met. At the conclusion of the response period, the Title IX Coordinator will forward the appeal and responses to the dismissal appeal decision maker. If the request for

appeal does not provide information that meets the grounds above, the request will be denied by the dismissal appeal decision maker. The parties, advisors, and Title IX Coordinator will be notified of this in writing with rationale. If the appeal grounds are met, then the dismissal appeal decision maker will notify the parties, advisors, and Title IX Coordinator will be notified of this in writing with rationale. The effect will be to reinstate the complaint.

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

#### E. Withdrawal or Resignation before Complaint Resolution

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

respondent takes a leave for a specified period of time; the resolution process may continue remotely.

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

#### F. Resolution of Reports Without a Formal Process

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

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

##### b. Informal Resolution

Informal resolution is a voluntary and remedies-based resolution that does not involve taking disciplinary action against a respondent. The aim of informal resolution is not to determine

whether there was intent to engage in conduct violating this policy, but rather to ensure that the alleged offending behavior ceases and that the matter is resolved promptly at an appropriate level. The College will not require the parties to engage in this type of process. It is not necessary to pursue informal resolution first in order to pursue a formal resolution process. Any party participating in informal resolution can stop the process at any time prior to completion and begin/resume the formal resolution process. Informal resolution is available once a formal complaint has been initiated and an NOAI has been issued.

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

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

process. The Title IX Coordinator will determine whether additional individual or community remedies are needed to meet compliance obligations.

Informal resolution may involve but is not limited to:

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

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

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

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

- The parties amenability to informal resolution;
  - Likelihood of potential resolution considering any power dynamics between the parties.
  - Party motivation to participate;
  - Civility of the parties;
  - Any violence risk assessment and/or ongoing risk analysis;
  - Disciplinary history;
  - Whether an emergency removal is or was needed;
  - Complaint complexity;
- 
- Goals of the parties;
  - Adequate resources to invest (time, staff, etc.)

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

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

#### c. Respondent Accepts Responsibility

A respondent may, after receiving written notice of the allegations, their rights to request supportive measures, and their right to participate in a formal resolution, accept responsibility

for all or part of the alleged policy violations at any point during the resolution process. If the respondent indicates intent to accept responsibility for all or part of the alleged misconduct, the formal process will be pause and the Title IX Coordinator will determine whether an informal resolution can be used to resolve the matter. If so, the matter will proceed to informal resolution and the parties will receive all notices and procedural rights outlined in the informal resolution process above.

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

#### G. Formal Investigations

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

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

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

- A meaningful summary of all allegations
- The identity of the parties (if known)
- The precise misconduct being alleged
- Date and location of alleged incident(s) (if known)
- Specific policy/offense implicated
- A description of/link to/copy of applicable procedures
- A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence

- A statement that the College presumes the respondent not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that retaliation is prohibited
- Information about the confidentiality expectations during the process
- Information about advisors and how they may be obtained

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

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

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for any party. A party may raise concerns of bias/conflicts of interest to the Title IX Coordinator or the CCSNH Title IX Coordinator. The resolution process involved an objective evaluation of all available relevant and not otherwise impermissible evidence. Credibility determinations may not be

based solely on an individual's status or participation as a complainant, respondent, or witness.

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

1. The Title IX Coordinator will assign or retain an investigator. A notice of investigator appointment letter will be sent to both parties. In this letter, the full name of the investigator will be provided. Each party will have 48 hours to object to the investigator's appointment on the grounds that the investigator has a bias for or against complainants or respondents generally or a particular party or has a conflict of interest. Objections must be made in writing and sent to the Title IX Coordinator who will decide whether or not to appoint an alternative investigator. This process will be repeated until an investigator is selected. After this objection timeframe passes, all relevant information to the case will be transferred to the appointed investigator.

2. The investigator is authorized to access relevant records, including personnel, grievance, and student records except those deemed confidential or privileged by law. The investigator is authorized to contact any and all individuals without limitation. Both parties will be provided with timely notice of any meeting related to this process that they are invited to or expected to attend. This will include written notice of the date, time, location, participants, and purpose of



the meeting with sufficient time for the party to prepare to participate. Meetings will be scheduled in conjunction with the party's academic course schedule to ensure that neither party miss classes due to a meeting related to this process. Additional meeting times will be included in notifications sent by the Title IX Coordinator at least 24 hours prior to the scheduled meeting. If a party is unable to attend, they must notify the Title IX Coordinator with the reason for the conflict and set up a new meeting time.

3. The parties will be asked to identify all witnesses with whom they wish the investigator to speak with and what questions they wish the investigators to ask of other parties or witnesses. The investigator will interview those witnesses who are believed by the investigator to have first-hand knowledge of the incident or otherwise relevant information. The investigator is not otherwise required to interview any particular witnesses even if identified by one of the parties. The investigator will include in the investigative report a rationale for why they did not interview a particular witness identified by one of the parties. The investigator will provide the draft investigative report to the Title IX Coordinator for their review/feedback.

4. Prior to the conclusion of the investigation, the Title IX Coordinator will provide the parties and their advisors (if so desired by parties) an electronic copy of the draft

investigative report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation. This includes evidence the College does not intend to rely on in reaching a determination. The parties will have ten (10) business days to review and comment so that each party may meaningfully respond to the evidence. The parties may elect to waive all or part of the review period. Any responses should be submitted to the Title IX coordinator within this 10-day period.

The Title IX Coordinator will make any party's response available for any other party to review.

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

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

7. The final investigative report created by the investigator will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator. The investigator will not offer recommendations regarding whether or not the policy was violated. At least 10 calendar days prior to the hearing referenced below, the

College will send to each party and applicable advisors the final investigative report and exhibits in an electronic format for their review and written response as detailed below.

### Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. The investigator may utilize audio and/or video record interviews at their discretion. All involved parties must be made aware of audio and/or video recording.

Parties may review the recordings upon request. Transcripts, if used, will be included in the investigative report.

### H. Evidentiary Considerations in the Investigation

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

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

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

### I. Formal Resolution Procedures

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

#### i. Formal Hearing Resolution Procedure

a. As noted above, upon receipt of the final investigative report, the Title IX Coordinator will send both parties<sup>15</sup> and their advisors<sup>16</sup>, if applicable (may be an attorney), the final investigative report and evidence in an electronic format for their review and written response if the parties so chose to submit one. Any written response a party wishes to provide must be submitted to the Title IX Coordinator within 10 days of receiving the final investigative report and evidence. The final report and party written responses, if any, will be provided to the

hearing facilitator in advance of the hearing. Deadlines for party review of information and submission of comments may be extended upon request for good cause and at the discretion of the Title IX Coordinator.

b. Once the final investigative report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing and appoint a decision maker as well as a hearing facilitator<sup>17</sup>. Each party will have 48 hours to object to the appointment on the grounds that the decision maker and/or hearing facilitator is bias against one or both parties or has a conflict of interest. Objections must be made in writing and sent to the Title IX Coordinator who will decide whether or not to appoint an alternative decision maker. This process will be repeated until a

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

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

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

decision maker is selected. After the objection timeframe passes, all relevant information to the case will be transferred to the appointed decision maker.

c. The decision maker may consider arguments from the parties on evidence being relevant or impermissible in the parties' written responses and will rule on these arguments pre-hearing and will exchange those ruling between the parties prior to the hearing. The decision maker may consult with the Title IX Coordinator.

d. The decision maker, after any necessary consultation with the parties/investigator/Title IX Coordinator, will provide the names of persons who will be participating in the hearing<sup>18</sup>, all pertinent documentary evidence, the final investigative report, and a schedule/Zoom link to the parties at least seven (7) business days prior to the hearing in an email notice to all parties. Witnesses will be notified at least five (5) days before the hearing of the time they are asked to attend as pertinent information and any other pertinent information. Witnesses will only be present during their portion of questioning.<sup>19</sup> Hearings will be scheduled into the summer as needed to avoid lengthy delays and may be scheduled over several days depending on witness schedules.

e. At least two (2) days before the hearing, the parties may submit (this may be done in consultation with their advisor) to the decision maker a written statement that identifies the facts they dispute and questions they believe the decision maker should ask of the parties and/or witnesses so that the decision maker may question the parties about these facts during the hearing. Facts that are undisputed by all parties may be relied upon by the decision maker even if they are not directly discussed at the hearing. The decision maker is not required to ask questions they deem irrelevant and/or impermissible. The decision maker will share with all parties these statements as well as reasoning for not asking irrelevant/impermissible questions. The decision maker may consult with the Title IX Coordinator on questions of admissibility regarding these determinations.

f. Ordinarily, but subject to the discretion of the decision maker, hearings will open with the hearing facilitator explaining the upcoming process and schedule, followed by an opening statement from the parties (but not their advisors) if they so choose. The decision maker will then ask their questions of the parties. Witnesses will be questioned in this same format. Advisors will not be permitted to make opening/closing statements or participate actively in the hearing, but may request breaks to consult with the party. If parties and/or witnesses do not appear at the hearing, the hearing may continue without the party/witness or an attempt to reschedule may be made at the discretion of the Title IX Coordinator.

g. After the decision maker asks questions of each party and witness, the hearing facilitator will permit a short recess (most often in the format of a Zoom breakout room) so that the parties may discuss with their advisor if they would like the

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

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

decision maker to ask any follow-up questions. The parties may waive this recess or choose not to participate if the other party does not waive this recess. Advisors will submit these electronically to the decision maker via email and the decision maker will make a relevance/impermissible determination<sup>20</sup>. These will be shared with the parties. The decision maker will ask any follow-up questions they deem relevant/permissible.

h. Any party or witness may choose not to offer evidence and/or answer questions at the hearing either because they do not attend or because they attend but refuse to participate in some or all of the questioning. The decision maker can only rely on whatever relevant evidence is available through the investigation and hearing in making ultimate determination of responsibility. The decision maker may not draw any inference solely from a party or witness absence or refusal answer questions.

i. At the end of the hearing, the parties (not their advisors) may consult with their advisors in a recess and make closing statements. The hearing facilitator will then close the hearing.

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

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

#### Recorded Hearings

All hearings conducted by the Title IX office will be virtual to accommodate the many different schedules and locations of participants and will be recorded for the purpose of review in the

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

ii. Notice of Outcome

20 The Decision maker may consult with the Title IX Coordinator in making these determinations

After the hearing, the decision maker will determine whether the respondent<sup>21</sup> is responsible or not responsible for policy violations in question with the preponderance of evidence standard (whether the evidence considered establishes that it is “more likely than not” that the policy was violated).

j. Within ten (10) business days after the conclusion of the hearing, the decision maker will then prepare and deliver to the Title IX Coordinator a written notice of outcome regarding whether the respondent is or is not responsible for the policy violations in question. The notice of outcome will include:

- Identification of the sections of the Colleges policy alleged to have been violated;
- A description & dates of the procedural steps taken from the receipt of the complaints through the determination
- Specified findings for each alleged policy violation
- A detailed rationale for the findings of each allegations including determination regarding responsibility;
- All applicable sanctions
- Identification of the College’s procedures and permissible bases for the parties to appeal (as outlined below). The determination regarding responsibility becomes final if an appeal is filed on the date the College provides the parties with the written determination of an appeal. If an appeal is not filed, the determination regarding responsibility becomes final on the date on which the appeal would no longer be considered timely;
- The determination will also notify parties whether remedies designed to restore or preserve equal access to the College’s education program or activity will be provided to the complainant but will not provide details about such remedies.

k. In cases where the decision maker determines the respondent is responsible for a policy violations, the Title IX Coordinator will share the decision maker’s determination with the appropriate personnel who will assign sanctions<sup>22</sup>.

l. The Title IX Coordinator will share the notice of outcome with the parties simultaneously via email, mail, or in person.

The time periods prescribed in this procedure for actions by the Title IX Coordinator or investigator are intended not as rigid rules, but rather as guidelines to which all are expected to adhere in good faith to the extent practicable. The Title IX Coordinator may exercise reasonable discretion to extend deadlines when they consider necessary

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

22 For employee respondents, this is the College President and/or CCSNH Chancellor in consultation with the CCSNH Director of Human Resources. Student respondent cases may include student conduct, registrar's office, and other appropriate offices that will carry out assigned sanctions.

or appropriate and will provide notice to the parties if that occurs. Parties may request investigative updates at any time throughout the process.

#### J. Appeal Process

Appeals must be submitted in writing to the Title IX Coordinator within 5 business days of receipt of the notice of outcome. An appeal will not be considered if submitted after the allotted five (5) days have elapsed. The other party will be notified of the appeal and the grounds the appeal was filed under. Any sanctions imposed in the notice of outcome are paused during the appeal process. The appeals decision maker may consult with individuals as deemed necessary in order to reach their decision. They will communicate their decision to the parties in writing within five (5) days of the date of the appeal with a copy to the Title IX Coordinator. Appeals are limited to the following grounds:

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

#### I. Appeal Procedure

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

1. Upon delivery of the notice of outcome, both parties may submit an appeal to the Title IX Coordinator within 5 business days. Following receipt of a notice of dismissal for the purposes of Title IX, the parties may submit an appeal to the Title IX Coordinator within 5 business days. An appeal must articulate the specific grounds for the appeal and provide a statement and/or evidence.
2. The Title IX Coordinator will appoint an appeal decision maker to determine if the request meets the grounds for an appeal. This will be an independent person of the previous process including from any dismissal appeal that may have been heard earlier in the process. The parties will have 24 hours to object to the appointment of the appeal decision maker, in writing, on the basis of perceived bias or conflict of interest. The Title IX Coordinator has the sole authority to determine whether to replace an appeals decision maker and that decision is final.
  - a. If the request does not meet the grounds for appeal, the request will be denied, and the appeal decision maker will notify the parties and their advisors in writing of the denial and rationale.
  - b. If the request does meet the grounds for appeal, the appeal decision maker will notify the parties and their advisors in writing as well as investigators/original decision maker when appropriate.
  - c. If both parties submit appeals (cross-appeals or counter appeals), the same appeal decision maker will decide both appeals individually but at the same time. The same appeal decision maker will decide any appeals arising from the same facts and circumstances.
3. Following this notification, the non-appealing party has five (5) business days to submit a written response to the appeal which will be provided to the appealing party.
  - a. No party may submit any new requests for appeal after this time.
4. An appeal is typically confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The appeal decision maker will defer to the original findings and determination, remanding only when there is clear reason to do so or modifying the outcome/sanctions only when there is a compelling justification to do so. An appeal is not an opportunity for the appeal decision maker to substitute judgement because they disagree with the original decision maker. The appeal decisionmaker may consult with the Title IX Coordinator on questions of procedure, rationale or additional clarification.

5. The appeal decision maker may take one of three possible actions on appeal:
  1. Dismiss the appeal for failure to meet the grounds of appeal, therefore upholding the initial outcome and sanctions (if applicable)
  2. Remand to the investigator or decision maker with specific instructions on the remanded issue(s)
    - a. In rare circumstances where an error cannot be cured by the original investigator, decision maker and/or Title IX Coordinator (in cases of bias), the appeal decision maker may order a new investigation and/or determination with new members serving in the roles.

#### K. Sanctions

3. Modify the outcome and/or sanction with a rationale supporting the modification.
6. Within five (5) business days of the date of appeal, a notice of appeal outcome will be sent to all parties and the Title IX Coordinator simultaneously via email or mail which includes the decision on each ground cited and rationale for each decision. The notice of appeal outcome will provide specific instructions for remand or reconsideration, any sanctions, and the rationale supporting the essential findings.
7. The appeal decision maker's decision is final and there are no further appeal options (except in the case of a new determination or new sanction, which can be appealed one final time).
8. If a sanction is imposed, the Title IX Coordinator will coordinate the implementation of the sanction. They will also coordinate and implement remedies owed to the complainant and implement any other long-term supportive measures as necessary.

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

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



Sanctions may include but are not limited to:

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

In addition to the above listed potential sanctions, a respondent or any other party may at any time be referred to another College disciplinary process because of information obtained for the complaint resolution process. Non-disciplinary measures as deemed appropriate in the discretion of the College (including but not limited to no contact orders or housing relocation) may be implemented even in cases where a policy violation was not found.

Sanctions will be implemented as soon as possible once a determination is final, either upon outcome of an appeal or the expiration if the window to appeal.

#### L. Remedies

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

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

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the parties even if no policy violation is found. When no policy

violation is found, the Title IX Coordinator will address any remedies owed by the College to the respondent to ensure no effective denial of educational access. The College will maintain the privacy of any long-term remedies/actions/measures provided privacy does not impair the College's ability to provide these services.

Failure to abide by sanctions/actions imposed by the date specified, whether by refusal, neglect, or for any other reason may result in additional sanctions/actions including suspension, expulsion, or termination.

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

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

### 1. Relevant Definitions

- Familial Status is the configuration of one's family or one's role in a family.
- Parental Status is the status of a person who, with respect to another person who is under the age of 1823, is a biological, adoptive, foster, stepparent, legal custodian or guardian, in loco parentis with respect to such person, or actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- Pregnancy and Related Conditions are the full spectrum of processes and events connected to pregnancy, including pregnancy, childbirth, termination of pregnancy<sup>24</sup>, lactation, related medical conditions, and recovery therefrom.

- Reasonable Modifications are individualized modifications to the policies practices, or procedures that do not fundamentally alter the College education program or activity.

## 2. Information Sharing Requirements

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

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

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

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

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

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

## 3. Reasonable Modifications for Students

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

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

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

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

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

#### 4. Certification to Participate

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

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

## 5. Lactation Space Access

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

- MCC Main Building, within the President's Suite, Room 256
  - o students can reserve the space with the Executive Assistant to the President

## 6. Leave of Absence

### A. Students

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

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

### B. Employees

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

## 7. Student Parents

Students with child caretaking/parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of a child or placement of a foster child may request an academic modification period from the Title IX Coordinator during the first six months from the time the child entered the home. Extensions may be granted when additional time is required by medical necessity or extraordinary responsibility. During this academic modification period, the students' academic requirements will be adjusted/postponed as appropriate in collaboration with the appropriate staff, the students' academic advisor, and appropriate academic departments.

The student is encouraged to work with their advisors and faculty members directly to reschedule course assignments, lab hours exams, or other requirements as appropriate once authorization is received from the Title IX Coordinator. If the student is unable to work with these staff to obtain the appropriate modifications, the student should alert the Title IX Coordinator as soon as possible, and they will help facilitate.

In timed degree, certification, or credentialing programs, students seeking modifications upon birth or placement of their child will be allowed an extension of up to 12 months to prepare for and take preliminary and qualifying examinations and an extension of up to 12 months toward normative time to degree while in candidacy to the extent those deadlines are controlled by the College. Longer extensions may be granted in extenuating circumstances. Students can request modified academic responsibilities under this policy regardless of whether the elect to take a

leave of absence. While receiving academic modifications, students will remain registered and retain benefits accordingly.

## 8. Housing

A pregnant students' housing status will not be altered based on pregnancy status unless requested by the student. Parenting students' access to housing is governed by other applicable policies.

## 9. Policy Dissemination and Training

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

## 17. EDUCATION, COMMUNICATION, AND TRAINING

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

CCSNH also considers environmental risk and protective factors as they occur on the

individual, relationship, institutional, community, and societal level so that we can address actual issues that may influence how/if violence is occurring within our own community and how these programs can meet our collective need. All of these programs will reinforce that dating violence, domestic violence, sexual assault, stalking, and sexual misconduct are unacceptable and prohibited within our campus communities.

#### A. Primary Prevention and Awareness

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

#### B. Bystander Intervention

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

- Recognizing situations or potential harm;
- Understanding institutional structures and cultural conditions that facilitate violence;
- Overcoming barriers to intervening;
- Identifying safe and effective intervention options; and
- Taking action to intervene.

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

Remember the 3”D”s of bystander intervention:

**DIRECT:** Directly confront the inappropriate behavior

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

**DISTRACT:** Draw away or divert attention

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

**DELEGATE:** Reach out to someone else for help, like public safety or the police. Alert a bartender or party host that someone has had too much to drink

#### C. Risk Reduction

Risk reduction refers to tools/strategies/behaviors/options that decrease perpetration,

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

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

#### Reducing the Risk of Victimization

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

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

- Show your potential partner respect if you are in the position of initiating sexual behavior.
- If a potential partner says "no", accept it and don't push. Do not proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partner and give them a chance to share their intentions/boundaries with you.
- Respect personal boundaries. If you are unsure what is OK in any interaction, ask.
- Avoid ambiguity. Don't make assumptions about consent, whether someone is attracted to you, how far you can go with someone, or if the individual is physically/mentally able to consent. If you have questions or are unclear, you don't have consent.
- Don't take advantage of the fact that someone may be under the influence of alcohol or drugs, even if the person chose to become that way. Other's loss of control does not put you in control.
- Be on the lookout for mixed messages. That will be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen.
- Respect timelines for sexual behaviors with which others are comfortable and understand they are entitled to change their minds at any time.



- Recognize that even if you don't think you are intimidating, our potential partner may be intimidated by or fearful of you because of sex, size, social capital, or position of power/authority.
- Don't assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behavior. If you are unsure, stop and ask.
- Understand that exerting power and control over another through sex is unacceptable conduct.

#### D. Programs Offered

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

**Kristen Butterfield-Ferrell**

602-206-8177

kbutterfieldferrell@ccsnh.edu

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

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

- Also completed for all new employees upon hire

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

USafeUS App – A free and confidential 24/7 online safety and prevention tool in response to Title IX related offenses that includes fake text/call features, GPS tool alerts with friends, drink recipes to alert bartenders for help, contact information for campus reporting and local resources, College policy overview, and nationally available resources.

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

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

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

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

#### E. Title IX Team Training

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

- The role of the Title IX Coordinator scope of the policy;
- The Resolution Process and how to conduct a sex discrimination resolution process consistently, including issues of disparate treatment, disparate impact, sex-based harassment, quid pro quo, hostile environment harassment, and retaliation;
- How to conduct/coordinate investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability;
- Implicit bias, confirmation bias, and treating parties equitably;
- Reporting, confidentiality, and privacy requirements;
- Applicable laws, regulations, and federal regulatory guidance;
- How to implement appropriate and situation-specific remedies;
- How to investigate/coordinate investigations in a thorough, reliable, timely, and impartial manner;
- Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process as well as how to weigh evidence;
- How to conduct questioning, assess credibility, and use impartiality and objectivity;
- How to render findings and generate clear, concise, evidence-based rationales;
- The definitions of all prohibited conduct;
- How to conduct a grievance process, including administrative resolutions, hearings, appeals, and Informal Resolution Processes;
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of

interest, and bias against respondents and/or for complainants;

- Technology to be used at a live hearing
- The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the Title IX Regulations;
- Issues of relevance and creating/coordinating an investigation report that fairly summarizes relevant and not impermissible evidence;
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations;
- Recordkeeping, Clery Act/VAWA requirements applicable to Title IX, and obligations under Title IX;
- Training for informal resolution facilitators on the rules and practices associated with the Informal Resolution process;
- Supportive Measures and reasonable modifications and specific actions to prevent discrimination and ensure equal access for pregnancy or related conditions.
- How to apply definitions with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with Policy; and
- Any other training deemed necessary to comply with Title IX.

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

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

**Campus Safety Website:** Manchester Community College maintains a website at <http://www.mccnh.edu/services/campus-safety>. For quick and up to date information on the Office of Campus Safety and services it provides in addition to crime statistics, crime prevention information, and emergency procedures.

### **Registered sexual offenders for the State of New Hampshire**

Registered sexual offenders can be found at the following website:  
<https://business.nh.gov/nsor/>

## **DRUG ALCOHOL AND SUBSTANCE ABUSE**

### 562.02 CCSNH Alcohol Policy Statement:

CCSNH and its colleges are committed to establishing and maintaining an environment that fosters mutually beneficial interpersonal relations and a shared responsibility for the welfare and safety of others. Accordingly, the CCSNH and its Colleges recognize that in implementing an alcohol policy consideration must be given to the duty to promote a safe and secure, positive and productive environment.

Policy Purpose: Because alcohol can have a significant effect on the academic, working and residential environment, CCSNH has adopted this policy for governing alcohol use by students, staff, faculty, visitors, and guests. While CCSNH policy permits responsible consumption of alcohol at some places and times, the consumption of alcohol should never be the primary purpose or focus of an event. Alcohol-free social events are encouraged.

Policy:

1. Alcohol is not permitted on CCSNH property, including any of the colleges, academic centers, and leased facilities except as specifically allowed by CCSNH policy.
2. A request for approval to serve alcoholic beverages form must be submitted to the president of the college or chancellor of CCSNH for each function being planned where alcohol, beer or wine will be served. This form must be submitted 30 days prior to the event. All bar service must be provided by a holder of an appropriate New Hampshire Liquor License. The vendor must provide a certificate of insurance providing evidence of commercial general liability insurance, including liquor liability coverage, and workers compensation as required by law. This certificate of insurance must name CCSNH as an additional insured with respect to commercial general liability including liquor liability and evidence limits of liability as required by CCSNH. If requests are received with less than a 30-day notice, the president or the chancellor has the right to deny approval and service will not be granted.
3. The acquisition, distribution, possession, or consumption of alcohol by employees and other members of the CCSNH community must follow all local, state, and federal laws and CCSNH policy. Except as expressly permitted by the president or chancellor, employee consumption of alcohol while on duty is prohibited.
4. Non-alcoholic beverages must be provided at events where alcoholic beverages are served.
5. Restrictions on alcohol use on CCSNH property vary by location, and, in some cases, by time.
  - a. Residence halls and apartment housing. Possession or consumption of alcohol by anyone under legal drinking age is prohibited. Residents of legal drinking age may consume alcohol in their rooms or apartments provided:
    - i. A resident of legal drinking age may have just one open alcohol container at a time for personal consumption;
    - ii. Alcohol may not be consumed in common areas such as lounges, hallways, etc.;
    - iii. Excessive amounts of alcohol, including kegs, punch bowls, beer balls, or excessive amounts in bottles or cases, are strictly prohibited; and
    - iv. Consumption of alcohol is done so in a responsible manner and the resident's conduct otherwise conforms to all rules and policies including the Student Code of Conduct;

- b. Dining halls and cafeterias. During periods when dining halls and cafeterias are not open to students and are assigned to workshops or conferences, alcohol may be served and consumed.
  - c. Academic, administrative, classroom buildings or grounds. Consumption of alcohol is permitted only as part of an approved event, such as a fundraising event or a celebration of a special accomplishment. The chancellor or the president of the college sponsoring the event must give the required approvals.
6. CCSNH and its colleges have an interest in off-premise events held in their names. If alcohol is used illegally or inappropriately at such events, CCSNH or the college may take steps to protect its interests including, but not limited to, instituting disciplinary action against an employee or student.
7. Any request for variation from this policy including activities related to educational programs must be submitted to the president of the college or the chancellor.
8. Each college may adopt alcohol policies that are more restrictive than this CCSNH policy.

#### 730.03 DRUGS AND NARCOTICS (ccsnh)

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

#### SUBSTANCE ABUSE AWARENESS AND EDUCATION

Substance abuse awareness and education is conducted yearly during student orientation and during annual substances abuse education each semester.

## **HEALTH AND SAFETY PROGRAMS**

**Pandemics:** Due to COVID-19 MCC has instituted numerous protocols and procedures designed to prevent or mitigate the spread of communicable diseases. Until further guidance from the Center for Disease Control, and the State of New Hampshire most college courses will be conducted online with the exception of courses requiring labs such as nursing, robotics, welding, automotive, and HVAC. All students and visitors who enter an MCC building must be cleared through the health screening station and have their temperature taken.

Below is a sample of an Individual Program Framework (IPF) that have been developed for each instructional program with students and faculty physically on campus during the 2020-2021 academic year.

### **I. Statement of Need for On-site Instruction**

The purpose of this document is to develop the parameters of a plan to engage in on-site instruction in a very limited manner in order to serve the face-to-face instructional needs of the Health Fitness Professional Program.

### **II. Basic Principles**

1. Protocols developed for safety and well-being of students, faculty and staff are based on current CDC, OSHA and NH DHHS and Re-Opening Task Force guidance.
2. Completion of the program has been established as an educational priority for the students served and the region's economic development.
3. Adequate measures are in place to ensure workforce readiness to deliver the program in a safe and uninterrupted manner.

### **III. Building Access and Flow Control**

1. Prescreening – Students, faculty and staff must be screened daily prior to entry. The screening information collected shall be used only for the purpose of maintaining healthy business operations and shall be maintained as confidential. Prior to entry, each individual shall provide the following:
  - a. An attestation that they have taken and recorded their temperature prior to arriving at work and that the temperature did not exceed 100.0 degrees Fahrenheit. Alternatively, the temperatures of individuals will be screened at the entrance by an appropriately protected employee (mask, safety glasses and gloves).
  - b. An attestation that they have reviewed and answered “no” to each of the following questions:

- i. Have you been in close contact with a confirmed case of COVID-19?
    - ii. Have you had a fever or felt feverish in the last 72 hours?
    - iii. Are you experiencing any respiratory symptoms including a running nose, sore throat, cough, or shortness of breath?
    - iv. Are you experiencing any new muscle aches or chills?
    - v. Have you experienced any new change in your sense of taste or smell?
  - c. Any person who answers “yes” to any of the questions (except in the circumstance of the affirmative answer being affiliated with a known, non-contagious, condition, such as a runny nose due to allergies) or has a temperature that exceeds 100.0 degrees Fahrenheit shall be required to leave the premises and re-evaluated in no less than 24 hours.
- 2. Building Access – HFP classes will be conducted in Room 243/adjacent lab and the fitness center and adjacent Yoga Room, all of these spaces are all large enough to allow for appropriate social distancing (6 ft.), while sitting and performing movement for the maximum number of students which is 12.
- 3. Instructors and students whose classes are in Room 243 will be entering and exiting the building through the back door (closet to Room 243) only and using restrooms closest to Room 243.
- 4. Students and Instructors who have classes that are in the Fitness Center/Yoga Room will be entering and exiting through the main entrance only and utilizing the locker room restrooms only.
- 5. Once in the building program students, faculty and staff will proceed to designated classroom/lab and stay within the lab and exit the same way they entered.
- 6. All program students, faculty and staff will use the bathrooms closest to Room 243 and the locker room bathrooms outside of the Fitness Center. The bathrooms will include signage that emphasizes handwashing protocols. The bathrooms will also include cleaning product to wipe down handles and other high-touch areas. Finally, bathrooms will be limited to one person at a time, with a low-touch means provided outside the bathroom for indicating if it is occupied.

#### IV. Building Cleaning Practices

1. At the end of each class, program instructors will lead students in cleaning all surfaces used by students using disinfectant spray and wipes supplied in the classroom. **All hazardous waste (masks and gloves) must be disposed of in the Hazardous Waste bins only.**



2. At the end of each day, building service workers using appropriate PPE will clean and disinfect areas used by program participants focusing especially on frequently touched surfaces. Facilities staff will be responsible for cleaning the commonly used areas such as door handles, restrooms, and handrails in the hallways. As well as the instruction tables, sink areas, and other building specific areas within the labs.
3. In the event of a positive case, building service workers will clean and disinfect all affected areas following CDC guidance. More specifically, the cleaning process will include:
  - a. Closing off areas visited by the ill person. Opening outside doors and windows and using ventilating fans to increase air circulation in the area. Wait 24 hours or as long as practical before beginning cleaning and disinfection.
  - b. Cleaning staff will then clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment (like tablets, touch screens, keyboards, remote controls, and ATM machines) used by the ill person, focusing especially on frequently touched surfaces.

#### **V. Instructional/Classroom Model**

- HFP classes will be conducted in Room 243/adjacent lab and the fitness center and adjacent Yoga Room. All of these spaces are all large enough to allow for appropriate social distancing (6 ft.), while sitting and performing movement for the maximum number of students which is 12.
- Instructors and students whose classes are in Room 243 will be entering and exiting the building through the back door (closest to Room 243) only, and using bathrooms closest to Room 243
- Students and Instructors who have classes in the Fitness Center/Yoga Room will be entering and exiting through the main entrance only and utilizing the locker room bathrooms only.
- Students and Instructors are required to wear masks at all times.
- Cloth masks may be worn during instruction, at desks with social distancing (6 ft. or greater). Surgical masks must be worn when instructors and students need to be closer than 6 ft. and when students are performing exercise.
- Students will remain socially distanced with the exception of the labs that require students to work with a partner. Partners will remain the same throughout the entirety of the course.

- When instructors need to be closer than 6 ft. to students to demonstrate something, they will wear surgical masks and limit these demonstrations to 10 minutes or less.
- Instructors and students must wash hands prior to and after close contact with each other.
- Instructors may not remove masks to ascertain if a student is unable to hear or understand. However, microphones can be provided to the instructor for this purpose.
- During exercise, students must wear surgical masks at all times, and shields will be provided for additional protection, but not mandatory.
- In the event a student displays or communicates an adverse response to wearing a mask, specifically during exercise, they shall be allowed to briefly re-position masks to just below the nose until they are able to go outside to remove mask.
- Students should change masks after each exercise session.
- Equipment for exercise sessions will be stored in Fitness Center/Yoga area. Students will one at a time or with their partners only, be allowed to collect the equipment that they will be utilizing that day. The equipment they pick must remain with them for the entire class and not be shared with another group or individuals.
- Students will then be assigned a room and/or area to work in for that day and should remain in that area when conducting their exercise session.
- Students will be responsible for cleaning all equipment they utilized during and after exercise sessions.
- Students will be given breaks as needed for hydration, food or rest.
- Students should plan appropriately for the class and plan to bring enough water/drink for both normal hydration and exercise needs.
- Instructors and students are not required to wear gloves, however they should wash hands upon entering and leaving class for breaks, after working closely with partners/students and after touching equipment.
- If students and instructors are unable to wash hands during an exercise session in which they are constantly touching equipment or in close contact with each other, they should use hand sanitizer periodically during the session.
- When leaving the building for a break, students and instructors should wash hands and not remove PPE until outside of the building and social distancing (6 ft. or greater) can occur.
- When on a break students and instructors shall eat and drink outside with social distancing (6 ft. or greater). They may go to their cars or leave campus for meals. **No on-campus food/beverage offerings will be available with the exception of emergency supplies provided by the College for the classrooms/labs.**

- Before returning to an instructional activity students and instructors must put on masks before entering the building and wash hands upon entering the classroom.
- During off campus visits, students and instructors must adhere to the policies of the site they are visiting and masks must be worn at all times. Students should not enter the facility and should remain socially distanced outside the facility until instructed to enter.

## **VI. Schedule**

1. The college will develop a master schedule clearly designating the times that rooms will be used for instruction.
2. The schedule will allow sufficient time between instructional activities to allow for cleaning and for students to clear the building before the next class enters.
3. The schedule may allow for concurrent classes so long as sufficient spacing protocols are respected including with respect to use of common hallways and bathrooms.

## **VII. Individual Hygiene and Safety Protocols**

1. Safety and well-being are shared responsibilities between administration, faculty, staff and students.
2. Each person participating in on-site activities shall review and sign an acknowledgement of safety measures and protocols that have been implemented and will be enforced on a day-to-day basis.
3. Before beginning instruction on the first day of on-campus classes, instructors shall review personal hygiene and safety protocols including hand hygiene, use and disposal of personal protective equipment, maintaining physical distance, and cleaning.
4. Each person participating will be encouraged to provide feedback with the respect to effectiveness of safety protocols, including an anonymous reporting option.
5. Upon receiving a report that a program participant is a known or suspected case of COVID-19, the college will determine the group of students, faculty and staff who may have had close contact with the participant. Close contact is being within approximately 6 feet of a known or suspected COVID-19 case for a prolonged period of time, *i.e.*, longer than 10 minutes and would include persons who shared the same work space for a prolonged period of time even if not at the same time. This would include, for example, a program participant who came in the afternoon and worked at the same computer set up that the ill participant used in the morning. Notice of the COVID-19 case will be provided only to this group of individuals that may have been exposed to the virus. In providing notice, the college will not provide

any more information than necessary about the ill person. Those who are determined to be close contacts will be advised that they should remain home and quarantine for 14 days since the last date of potential exposure and monitor their own health and report any symptoms to the college and their health care provider.

6. If any of persons who are deemed close contacts report symptoms, they will be instructed to contact their health care provider and to stay home and not participate in program activities on-site until they are free of fever, and any other symptoms for at least 72 hours, without using a fever-reducing or other symptom altering medication (e.g. Tylenol, cough suppressants). A fever is defined as a temperature of 100.4 degrees Fahrenheit or 38 degrees Celsius taken by an oral thermometer.
7. Any persons receiving positive diagnoses will need to submit a note from a doctor when they have tested negative and are cleared to return.

### **VIII. Equity and Opportunity**

1. Students who due to personal health circumstances have been advised by a physician to remain in quarantine and therefore are unable to complete the program may request an incomplete grade consistent with college academic policies.
2. Students who are unable to return to complete the labs associated with their courses may be granted a W for the course. Student should be in contact with their faculty and department chair to discuss their situation. Faculty will work with Academic Affairs to assist the student.

**CCSNH COVID-19 Student Social Compact:** This Social Compact is part of the Student Code of Conduct adopted for the 2020-21 academic year.

As members of this campus community, we face a serious public health situation that requires a new level of awareness and caution in our daily lives. As a caring community, we understand that our health and safety depend on how well we take care of ourselves and each other. As a member of this community I promise to responsibly protect my health and the health of others. I make these efforts to help prevent the spread of COVID-19 and other risks to our community's health and to best preserve the learning opportunities available to me as a student at this college.

The virus that causes COVID-19 is highly contagious. It is possible to develop and contract COVID- 19, even when individuals follow all of the safety precautions recommended by the Centers for Disease Control (CDC), the State of New Hampshire, and the College. NH's community colleges are following coronavirus guidelines issued by the CDC, the NH Department of Health and Human Services (DHHS), and other

reliable resources to reduce the spread of infection. However, by engaging in on or off campus activities, students, faculty and staff can never be completely shielded from all risks of exposure or illness caused by COVID-19 or other infections.

Maintaining college instructional and service activities is dependent upon how well ALL members of our college community adhere to public health recommendations and expectations. Significant changes in the trajectory of the virus may result in changes to instructional and campus operational plans. It is in all of our best interests to do our part to mitigate the spread of COVID-19. To protect myself and others, and preserve the opportunity of learning in this campus setting, I understand that as a member of the CCSNH community I will be expected to:

### **PROTECT MYSELF**

1. Monitor for the symptoms of COVID-19 and report as directed by the college and to a medical professional if I experience fever, cough, shortness of breath or other symptoms identified by public health authorities
2. Wash my hands often with soap and water or use effective hand sanitizer
3. Maintain appropriate physical distancing, especially in indoor settings
4. Protect myself from viral respiratory infections by means that may include obtaining a flu shot as recommended by NH public health authorities
5. Follow all other recommendations of public health officials in the State of New Hampshire

### **PROTECT OTHERS**

1. Stay home if feeling ill, or after exposure to someone who is ill or is suspected or confirmed positive for COVID-19
2. Wear an appropriate face covering and other protective gear as directed by the college
3. Be positive, sensitive and helpful to anyone around me who may be troubled or struggling
4. Recognize that others may have health conditions or relevant family circumstances that are private and respect their needs for personal and community precautions
5. Understand that individuals can have COVID-19 yet be asymptomatic and therefore an unknown carrier of the virus

### **PROTECT MY COLLEGE COMMUNITY**

1. Keep clothing, belongings, personal spaces and shared common spaces clean
2. Carefully observe instructional signs and follow directions
3. Inform the designated COVID-19 Contact Person at my college if I have a positive test or am experiencing symptoms associated with COVID-19

4. Participate as requested in testing and contact tracing to preserve the wellness of the community
5. Recognize that COVID-19 does not stop at campus boundaries and be aware that my behavior outside campus can create risks for my on-campus community
6. Behave with compassion and understand that we are all doing the best we can in unprecedented circumstances – share concerns rather than anger or blame

### **PROTECT MY SURROUNDING COMMUNITY**

1. Complete required precautions prior to arrival on campus, or if I have had to leave the state
2. Self-isolate in accordance with NH DHHS guidelines if I test positive for COVID19
3. Quarantine in accordance with NH DHHS guidelines if I am identified as having been in close contact of a suspected or confirmed case for COVID-19 or fall under the travel restrictions for COVID-19
4. Practice safe physical distancing when participating in the community outside of the campus
5. Pay attention to and observe local and state directives
6. Remember that not everyone is affected equally by COVID-19 and by complying with COVID-19 health guidelines, I will help those who are most vulnerable to stay safe
7. This virus does not discriminate, and neither will I – no person or group of people is responsible for this virus and I will not blame the presence of COVID-19 on anyone in my community

## ANNUAL CRIME STATISTICS

### How we compile our statistics:

The Clery Act requires colleges and universities to annually compile and publish crime statistics for their campuses and certain off campus locations. It also requires that "campus security authorities" report crime statistics for inclusion in the college's Annual Security Report. If you are listed below in the distribution list, then you are a "campus security authority" as that term has been defined by the United States Department of Education. "Campus security authorities" are defined by position as "an official of the institution that has significant responsibility for student and campus activity, and any individual or organization specified in the statement of campus security policy as one to which students and employees should report criminal offenses". This includes advisors to student organizations, athletic team coaches, members of campus safety, and offices within Student and Academic Affairs, with the exception of health and counseling services.

Because of the law's complex reporting requirements, the most reasonable and effective way to manage the reporting is as follows. As per our normal process, you should continue to immediately report any crime or violation of the Manchester Community College Code of Conduct to the MCC Campus Safety Department. If you become aware of any crime listed below, or if any person reveals to you that he/she learned of or were the victim of, perpetrator of, or witness to any crime listed below, and this crime has not been reported to anyone else, report the crime using the Campus Safety Incident Report Form and contact the Office of Campus Safety immediately.

The following list of crimes (and their definitions) are those which are required to be reported to the United States Department of Education.

The following definitions are to be used for reporting the crimes listed in § 668.46, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program. The definitions for *murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations* are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program. The definitions of fondling, incest, and statutory rape are excerpted from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program. The definitions of *larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property* are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.

## **Crime Definitions from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program**

### **Arson**

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

### **Criminal Homicide—Manslaughter by Negligence**

The killing of another person through gross negligence.

### **Criminal Homicide—Murder and Nonnegligent Manslaughter**

The willful (nonnegligent) killing of one human being by another.

### **Rape**

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

### **Robbery**

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

### **Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

### **Burglary**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

### **Motor Vehicle Theft**



The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

### **Weapons: Carrying, Possessing, Etc.**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

### **Drug Abuse Violations**

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

### **Liquor Law Violations**

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

## **Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program**

### **Sex Offenses**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. *Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

B. *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

C. *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.

## **Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual from the FBI's UCR Program**

### **Larceny-Theft (Except Motor Vehicle Theft)**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

### **Simple Assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### **Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### **Destruction/Damage/Vandalism of Property**

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Type of Incident	On Campus			Public Property			Non-Campus (N/A)			Residential Facilities (N/A)		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
<b>Criminal Offenses</b>												
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0						
Manslaughter by Negligence	0	0	0	0	0	0						
Robbery	0	0	0	0	0	0						
Aggravated Assault	0	0	0	0	0	0						
Burglary	0	0	0	0	0	0						
Motor Vehicle Theft	0	0	0	0	0	0						
Arson	0	0	0	0	0	0						
<b>Sexual Assault (Sex Offenses)</b>												
Rape	0	0	0	0	0	0						
Fondling	0	0	0	0	0	0						
Incest	0	0	0	0	0	0						
Statutory Rape	0	0	0	0	0	0						
<b>Arrests</b>												
Weapons, carrying, Possessing	0	0	0	0	0	0						
Drug Abuse Violations	0	0	0	0	0	0						

Liquor Law Violations	0	0	0	0	0	0						
<b>Hate Crimes (Race)</b>												
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0						
Negligent Manslaughter	0	0	0	0	0	0						
Robbery	0	0	0	0	0	0						
Aggravated Assault	0	0	0	0	0	0						
Burglary	0	0	0	0	0	0						
Motor Vehicle Theft	0	0	0	0	0	0						
Arson	0	0	0	0	0	0						
Theft	0	0	0	0	0	0						
Simple Assault	0	0	0	0	0	0						
Intimidation	0	0	0	0	0	0						
Vandalism/ Property	0	0	0	0	0	0						
<b>HATE CRIMES (Gender)</b>												
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0						
Negligent Manslaughter	0	0	0	0	0	0						
Robbery	0	0	0	0	0	0						

Aggravated Assault	0	0	0	0	0	0						
Burglary	0	0	0	0	0	0						
Motor Vehicle Theft	0	0	0	0	0	0						
Arson	0	0	0	0	0	0						
Theft	0	0	0	0	0	0						
Simple Assault	0	0	0	0	0	0						
Intimidation	0	0	0	0	0	0						
Vandalism/ Property	0	0	0	0	0	0						
HATE CRIMES (Gender Identity)												
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0						
Negligent Manslaughter	0	0	0	0	0	0						
Robbery	0	0	0	0	0	0						
Aggravated Assault	0	0	0	0	0	0						
Burglary	0	0	0	0	0	0						
Motor Vehicle Theft	0	0	0	0	0	0						
Arson	0	0	0	0	0	0						
Theft	0	0	0	0	0	0						
Simple Assault	0	0	0	0	0	0						
Intimidation	0	0	0	0	0	0						

Vandalism/ Property	0	0	0	0	0	0						
HATE CRIMES (Religion)												
Murder / Non- Negligent Manslaughter	0	0	0	0	0	0						
Negligent Manslaughter	0	0	0	0	0	0						
Robbery	0	0	0	0	0	0						
Aggravated Assault	0	0	0	0	0	0						
Burglary	0	0	0	0	0	0						
Motor Vehicle Theft	0	0	0	0	0	0						
Arson	0	0	0	0	0	0						
Theft	0	0	0	0	0	0						
Simple Assault	0	0	0	0	0	0						
Intimidation	0	0	0	0	0	0						
Vandalism/ Property	0	0	0	0	0	0						
HATE CRIMES (Sexual Orientation)												
Murder / Non- Negligent Manslaughter	0	0	0	0	0	0						

Negligent Manslaughter	0	0	0	0	0	0						
Robbery	0	0	0	0	0	0						
Aggravated Assault	0	0	0	0	0	0						
Burglary	0	0	0	0	0	0						
Motor Vehicle Theft	0	0	0	0	0	0						
Arson	0	0	0	0	0	0						
Theft	0	0	0	0	0	0						
Simple Assault	0	0	0	0	0	0						
Intimidation	0	0	0	0	0	0						
Vandalism/ Property	0	0	0	0	0	0						
HATE CRIMES (Ethnicity)												
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0						
Negligent Manslaughter	0	0	0	0	0	0						
Robbery	0	0	0	0	0	0						
Aggravated Assault	0	0	0	0	0	0						
Burglary	0	0	0	0	0	0						
Motor Vehicle Theft	0	0	0	0	0	0						
Arson	0	0	0	0	0	0						

Theft	0	0	0	0	0	0						
Simple Assault	0	0	0	0	0	0						
Intimidation	0	0	0	0	0	0						
Vandalism/ Property	0	0	0	0	0	0						
HATE CRIMES (National Origin)												
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0						
Negligent Manslaughter	0	0	0	0	0	0						
Robbery	0	0	0	0	0	0						
Aggravated Assault	0	0	0	0	0	0						
Burglary	0	0	0	0	0	0						
Motor Vehicle Theft	0	0	0	0	0	0						
Arson	0	0	0	0	0	0						
Theft	0	0	0	0	0	0						
Simple Assault	0	0	0	0	0	0						
Intimidation	0	0	0	0	0	0						
Vandalism/ Property	0	0	0	0	0	0						
HATE CRIMES (Disability)												



Murder / Non-Negligent Manslaughter	0	0	0	0	0	0							
Negligent Manslaughter	0	0	0	0	0	0							
Robbery	0	0	0	0	0	0							
Aggravated Assault	0	0	0	0	0	0							
Burglary	0	0	0	0	0	0							
Motor Vehicle Theft	0	0	0	0	0	0							
Arson	0	0	0	0	0	0							
Theft	0	0	0	0	0	0							
Simple Assault	0	0	0	0	0	0							
Intimidation	0	0	0	0	0	0							
Vandalism/Property	0	0	0	0	0	0							
<b>VAWA Offenses (On campus)</b>													
Domestic Violence	0	0	0	0	0	0							
Dating Violence	0	0	0	0	0	0							
Stalking	0	0	0	0	0	0							
<b>VAWA Offenses (Public Property)</b>													

Domestic Violence	0	0	0	0	0	0							
<b>Incidents that were Referred for Disciplinary Action (On Campus)</b>													
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0							
Drug Law Violations referred for Disciplinary Action	0	0	0	0	0	0							
Illegal Weapons Possession Referred for Disciplinary Action	0	0	0	0	0	0							
<b>Incidents that were Referred for Disciplinary Action (Public Property)</b>													
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0							
Drug Law Violations referred for Disciplinary Action	0	0	0	0	0	0							

Illegal Weapons Possession Referred for Disciplinary Action	0	0	0	0	0	0						

	2021	2022	2023	
TOTAL UNFOUNDED CRIMES	0	0	0	