323.02 & 730.04 Title IX Sexual Harassment, Sexual Misconduct, Discrimination and Retaliation Policy

Date Approved: 1/23/25 Date Effective: 1/9/25 Date of Last Amendment: 1/23/25

Approved By: Mark Rubinstein, Chancellor

1. POLICY APPLICABILITY, SCOPE, & JURSIDICTION

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

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

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

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

Substantial College interest includes:

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

For disciplinary action to be issued under Title IX sexual harassment under policy, the respondent must be a College student or employee at the time of the formal complaint. For allegations other than Title IX sexual harassment, the College may issue disciplinary action as permitted by this policy. 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 applicable to alleged incidents that occur after August 14th, 2020. Incidents that occurred while 2024 Title IX regulations were in effect (August 1st, 2024 to January 9th, 2025) will revert back to 2020 regulations as 2024 regulations were overturned. For alleged incidents prior to August 14th, 2020, 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.

2. 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 discrimination, sexual harassment, sexual misconduct, and retaliation. CCSNH prohibits discrimination, sexual harassment, sexual misconduct, and retaliation as defined in this policy. It is the intention of CCSNH to take prompt action to prevent the reoccurrence of behaviors that violate this policy.

NOTICE OF NON-DISCRIMINATION

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

IMPARTIALITY AND CONFLICT OF INTEREST

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

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

Complaints may also be made to:

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

3. DEFINITIONS

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

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

Education Program or Activity are locations, events, or circumstances where the College exercises substantial control over both the respondent and the context in which the sex discrimination, sexual harassment, sexual misconduct, and retaliation and/or other prohibited conduct occurs and also includes any building owned or controlled by a student organization that the College officially recognizes.

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

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

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

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.

Protected Characteristic is any characteristic for which a person is afforded protection against discrimination and harassment by law or by College policy.

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

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[1] 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.

Respondent is an individual alleged to have violated this policy.

Sex is birth sex under Title IX. Outside of Title IX, this can include gender identity, gender expression, sexual orientation, sex characteristics, and sex stereotypes.

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, sexual harassment, sexual misconduct, and 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 and follow this policy. The Title IX Coordinator and/or deputy are available to meet with students and employees regarding these issues as needed. The Title IX Coordinator may delegate duties as necessary or appropriate. Therefore, any reference regarding duties to be performed under this policy should be read to also include the Title IX Coordinators "designee" as appropriate.

Title IX Coordinator: Loreen Tirrell- ltirrell@ccsnh.edu; 603-573-1287

Title IX Deputy Coordinator: Dr. Tracy McLaughlin, tmclaughlin@ccsnh.edu; (603) 578-8928

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 on the Title IX College webpage.

4. PROHIBITED CONDUCT under the purview of this policy includes the following.[2] When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of policy, though supportive measures will be offered to those impacted.

A. **Sexual Harassment:** An umbrella category including the offenses of Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. This definition applies to all formal complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator, as well as sexual misconduct cases that do not fall under Title IX jurisdiction. Sexual harassment is conduct on the basis of sex, or that is sexual in nature, that satisfies one of the following:
    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 implicitly, conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct

[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).

2. **Hostile Environment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a complainant equal access to the College's educational program or activity[3].
3. **Sexual Assault:** Conduct defined as follows based on The National Incident-Based Reporting System (NIBRS) user manual FBI definitions:
    a. **Rape:** Penetration, no matter how slight, of the vagina or anus of a person with any body part or object; or oral penetration of a sex organ of the complainant or by the respondent's sex organ, without consent including instances where consent cannot be given due to complainant's age or temporary or permanent mental or physical disability.[4]
    b. **Sexual Contact[5]:** The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the complainant by the respondent without the consent of the complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation or the forced intentional touching by the complainant of the respondent's clothed[6] or unclothed genitals, buttocks, groin, breasts, or other body parts without consent of the complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This includes instances where the complainant is incapable of giving consent because of their age or temporary or permanent mental or physical disability.[7]
    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 New Hampshire, the age is 16, refer to applicable statutes for further details).
4. **Dating Violence:** Violence[8] on the basis of sex committed by a respondent who is in or has been in a social relationship of a romantic or intimate nature with the complainant.

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[3] Unwelcomeness is subjective and determined by the complainant (unless complainant is younger than age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person.

[4] Females or males can be complainants under this definition

[5] This definition has been updated from the term "Fondling" as The National Incident-Based Reporting System (NIBRS) user manual issued by the FBI had updated this definition to "Criminal Sexual Contact" in June 2025.

[6] Meaning that the respondent forces the complainant to touch them.

[7] Contact with body parts is considered to be done for the purpose of sexual degradation, sexual gratification, or sexual humiliation unless (1) the contact can be proven inadvertent; (2) the contact is for a legitimate medical or other privileged purpose and is contact for which consent should have been sought and obtained by the provider; (3) contact involved a respondent that is pre-sexual based on maturity/age (thus their intent is not sexual); (4) contact involves a respondent who cannot developmentally understand sexual contact or that their contact is sexual; or (5) The contact is unlikely to have sexual motivation or purpose in the context of the act, like butt-slapping on a team.

[8] 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 if safety, not harm. Consensual use of violence, such as in kink relationships, would also not meet this definition, in

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**[9]: Violence on the basis of sex crimes committed on the basis of sex committed by a respondent who is 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[10] on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition, course of conduct means two or more acts including but not limited to acts in which the Respondent directly, indirectly, or through third parties by any action, method, device, or other means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

B. Sexual Misconduct:

1. **Sex Discrimination**[11]**:** Unwelcome conduct based on the protected characteristic of sex that, based on the totality of the circumstances, is sufficiently severe, pervasive, or persistent that it interferes with or limits a person's ability to participate or benefit from recipients services, activities, or privileges and is subjectively and objectively offensive.
    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:

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most circumstances. Threats to seriously harm the complainant or others may be chargeable under this definition if doing so causes serious emotional or psychological harm to the complainant. Threats to harm oneself, even if made to cause emotional or psychological harm, are not considered violence under this definition.

[9] 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.

[10] 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.

[11] This does not typically fall under Title IX alone, but can be investigated under this policy in relation to Title VI

i. Excludes a person from participation in;
ii. Denies a person benefits of; or
iii. Otherwise adversely affects a term of condition of a person's participation in a College program or activity.

b. Disparate Impact Discrimination[12]: Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in disproportionate impact on the basis of sex that:

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

2. 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 sexual 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 persons consent;
d. Engaging in sex trafficking and/or prostituting another person;
e. Knowingly making an unwelcome disclosure or threatening to disclose an individuals sexual orientation, gender identity, or gender expression;
f. Engaging in sexual behavior with knowledge of an illness or disease (HIV or STI) that could be transmitted by the behavior without disclosing that to the other person prior to sexual relations;
g. Causing or attempting to cause the incapacitation of another person through alcohol, drugs or other means for the purpose of compromising that person's ability to give consent to sexual activity or to make that person vulnerable to non-sexual activity;
h. Misappropriation of another person's identity online or in-person situations designed for dating and/or sexual connections;
i. Creating and/or disseminating synthetic images (i.e. video, photography) or audio of an individual's sexual activity, intimate body parts, or nudity without that person's consent.

[12] As of April 2025, the Trump administration has directed all federal agencies to no longer enforce Disparate Impact under Title VI & possible Title IX. This conduct may only be addressed as sexual misconduct depending on what is alleged.

3. **Retaliation**[13] is intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, 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.[14]

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

Charging an individual with a code of conduct violation for making a materially false statement in bad faith during a grievance process under this policy does not constitute prohibited retaliation, provided however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith. The College will not engage in and will investigate/address reports of retaliatory conduct. Retaliation under this policy may be found whether or not the underlying complaint is ultimately found to have merit. The exercise of rights protected under the First Amendment does not constitute retaliation.

5. Consent[15]

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

Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to sexual activity with any other person. Each participant in a sexual encounter much 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[16].

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[13] May go through Process B under formal procedures if Title IX Coordinator elects, but may also go through Process A if retaliation & sexual harassment are alleged together.

[14] The exercise of rights protected under the First Amendment does not constitute retaliation.

[15] 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.

[16] Consent in the context of the relationship is considered. When parties consent to certain forms of kink, non-consent may be shown using a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and may be consensual. The totality of the circumstances will be evaluated.

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

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

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

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

Consent must still be attained even if:

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

6. Online Sexual Harassment and/or Retaliation

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

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

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

7. Gender Identity/Expression[17]

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

CCSNH seeks to eliminate any stigma related to gender identity and expression. CCSNH is committed to fostering a climate where all identities are valued, which contributes to a more vibrant community.

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

PROCEDURES

1. CONTACT INFORMATION

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

Title IX Coordinator: Loreen Tirrell- ltirrell@ccsnh.edu; 603-573-1287

Title IX Deputy Coordinator: Dr. Tracy McLaughlin, tmclaughlin@ccsnh.edu; (603) 578-8928

2. IMMIEDIATE RESPONSES TO SEX DISCRIMINATION, SEXUAL HARASSMENT, AND SEXUAL MISCONDUCT COVERED BY THIS POLICY

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

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

[17] This section is unrelated to institutional Title IX compliance

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

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

vii. Obtaining a forensic sexual assault examination (before 120 hours or as soon as possible)
viii. Preserving any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags)
ix. Preserving any related electronic communications (text messages, emails, Facebook, Instagram, Snapchat, TikTok, or other social media posts to the extent that the can be captured/preserved)
x. Preserving any photographs (including stored on smartphones or other devices)
xi. 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:

xii. Campus Safety: (603)921-1089 nccsafety@ccsnh.edu
xiii. - Counseling: https://www.bettermynd.com
xiv. **Title IX Coordinator**: Loreen Tirrell- ltirrell@ccsnh.edu; 603-573-1287
xv. **Title IX Deputy Coordinator:** Dr. Tracy McLaughlin, tmclaughlin@ccsnh.edu; (603) 578-8928
xvi. St. Joseph Hospital (603)718-3800
xvii. Bridges Domestic and Sexual Violence Support (603)883-3044
xviii. Nashua Police Department Non-Emergency (603)594-3500

3. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

A. Emergency Removal in Title IX Cases

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

The CCSNH Director of Risk Management will review requests for an emergency removal from the Title IX Coordinator as well as review the completed violence risk assessment to make a determination under this policy to implement or stay an emergency removal and to determine the

conditions/duration of said emergency removal. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

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

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

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

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

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

B. Suspension or Administrative Leave in Title IX Cases

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

The College may place student-employee respondents on administrative leave from their employment during the pendency of an investigation and resolution process where deemed appropriate as a supportive measure and under circumstances where it would not unreasonably burden the student-employee respondent. Any such decision shall be made in compliance with

any applicable disability laws, including the Americans with Disabilities Act and the NH Law Against Discrimination.

4. REPORTING OPTIONS

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

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

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

A. Confidential Resources and Confidentiality

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

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

An individual who speaks to a confidential resource must understand that if they want to maintain complete confidentiality, the College will be unable to investigate the particular incident or pursue disciplinary action against the alleged perpetrator. However, confidential resources may assist the individual in receiving supportive measures or other

forms of protection and support such as victim advocacy, academic accommodations, disability, health, or mental health services, and changes to living, working, or transportation arrangements.

Bettermynd Counseling https://www.bettermynd.com/
Bridges Domestic and Sexual Violence Support (603)883-3044
Campus Resource Advisors: New Hampshire State law §188-H:7 permits

CCSNH to establish confidential resource advisors. **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 Nashua Community College is Loreen Tirrell at ltirrell@ccsnh.edu; 603-573-1287

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

B. Reporting and Non-Confidential Resources

Individuals seeking to report incidents of discrimination, sexual harassment, sexual misconduct, and retaliation to the College may do so using any of the following options:

1.) **Utilizing the online reporting form** which can be found at https://nashuacc.edu/current-students/safety-security/report-sexual-misconduct/
2.) Reporting via this online form allows the College to reach out to the reporter and/or complainant to request further information, offer supportive measures, and provide information about resolution options. This does not oblige a complainant to participate in a resolution process. CCSNH strives to respect a complainant's wishes regarding the pursuit of formal resolution procedures unless there appears to be a compelling threat to their or the community's health and/or safety. The complainant is largely in control and should not fear loss of privacy by making a report that allows the College to discuss the matter with them and provide supportive measures. If an online reporting form is completed anonymously with no identifying information for

the complainant, the College's ability to offer supportive measures, appropriately investigate the incident, and/or pursue disciplinary action against the alleged may be limited.

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: Loreen Tirrell at ltirrell@ccsnh.edu; 603-573-1287

3.) **Reporting to a mandatory reporter:** all CCSNH employees are deemed mandatory reporters for purposes of this policy. Mandatory reporters include any administrator, supervisor, staff, 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 discrimination, sexual harassment, sexual misconduct, and retaliation. involving a student or employee are required to report that information to the Title IX Coordinator as soon as possible. Information reported to a mandatory reporter will be shared with others only to the extent necessary to respond to the situation and support the parties and in accordance with state/federal law. Mandatory reporters who themselves are a target misconduct under this policy are not required to report their own experience, though encouraged to do so. If a Mandatory reporter fails to comply/report an incident or interferes with an investigation, that employee may be subject to disciplinary action. General inquires to mandatory reporters about policies and procedures and conversations where the alleged perpetrator is not named or implied from the circumstances would not constitute reports for the purpose of this policy. These types of inquiries should nonetheless be referred to the Title IX Coordinator.

Time Limits on Reporting: There is no time limitation on reporting or providing notice/complaints to the College. However, if the respondent is no longer subject to the College's jurisdiction or if significant time has passed, the ability to investigate, respond, and/or provide remedies may be limited. The Title IX Coordinator may act at their discretion, documenting allegations for future reference, offering supportive measures, or engaging in informal/formal action as appropriate.

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

If an individual discloses an incident of discrimination, sexual harassment, sexual misconduct, or retaliation to a mandatory reporter but does not wish for their information to be shared, does not wish for an investigation, or does not wish for a formal complaint to be pursued, the Title IX Coordinator will make every effort to respect this request and will evaluate the request against the Colleges responsibility to provide a safe, non-discriminatory environment for all students, faculty, and staff, including the complainant. The College designates its Title IX Coordinator as the individual responsible for evaluating confidentiality requests with the ability to consult as necessary with other

College officials such as public safety or other threat assessment officials. As previously noted, there are times the College may not be able to honor this type of request.

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

xix. 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.

xx. Whether the alleged prohibited conduct was allegedly perpetrated or facilitated with a weapon; and

xxi. Whether the alleged victim is a minor.

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

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

When responding to reports, if the College determines it is obligated to take any action that would involve disclosing a reporting individual and/or a 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/address retaliation against individuals whose requests for confidentiality have not been honored and to respond to their needs for support, services, and accommodations. Note that the College's ability to remedy and respond to a report may be limited if the complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the complainant with as much control over the process as possible while balancing the College's obligation to protect its community.

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

D. Disclosure During Internal Investigations and Adjudications

Consistent with 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.

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

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the College must issue timely warnings for incidents reported to them that pose a serious or ongoing threat to the campus community. The College will ensure that a complainant's name and other identifying information is not disclosed while still providing enough information for community

members to make safety decisions in light of any serious or ongoing threat. Additionally, the College will not include the names of complainants, respondents, or other identifying information in publicly available reports that are compiled as required by the Clery Act.

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

F. Disclosure to Law Enforcement

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

5. SUPPORTIVE MEASURES

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

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

Supportive measures may include but are not limited to:

- Educational conversations which allow the Title IX Coordinator to address allegations with the respondent in a meeting to discuss concerning behavior and institutional policies/expectations. These are non-disciplinary and non-punitive. Respondents are not required to attend such meetings or compelled to provide any information if they attend. The Title IX Coordinator will update the complainant after the conversation is held and the complainant may be satisfied and choose to not pursue the report further or choose to file a formal complaint to initiate the resolution process. If the complainant is satisfied

with the results of the educational conversation but the alleged behavior later persists, they may discuss with the Title IX Coordinator additional options and/or file a formal complaint to initiate the resolution process;

- Mutual no contact orders restricting communications (not distance) 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, residential accommodations including but not limited to, arranging for temporary housing assignments or new housing assignments 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;
- Assistance in accessing support services including (as available) victim advocacy, academic support, counseling, disability, health or mental health services, visa/immigration assistance, student financial aid services, and legal assistance both on and off campus as applicable;
- Informing the individual of the right to report a crime to local law enforcement and/or seek orders of protection, restraining orders, or relief from abuse orders from courts in the United States or courts outside of the United States as applicable, and assisting with contacts. The College will also work with complainants and others as appropriate to respect such orders on premises that it owns or controls as necessary and appropriate.

6. PURSUING A CRIMINAL COMPLAINT

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

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

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

7. MEDICAL CARE AND EVIDENCE PRESERVATION

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

8. OTHER POLICY VIOLATIONS

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

9. UNETHICAL RELATIONSHIPS

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

10. AMNESTY

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

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

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

11. RECORD KEEPING

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

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

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

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

12. ACCOMMODATIONS

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

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

13. PROVIDING FALSE INFORMATION

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

A. Counterclaims

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

14. RIGHT TO AN ADVISOR

All parties are entitled to an advisor of their choosing to guide and accompany them through all resolution processes. The advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise them that is available[18]. The College maintains a pool of (non-attorney) advisors who are available. A list of said advisors will be provided during the intake process. College officials are not required to serve as an advisor if they choose not to do so. Outside advisors can request to be trained by the College.

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

Advisors are not permitted to speak for, represent, appear in lieu of, address any other party other than the one they are advising, or otherwise actively participate directly in a meeting, interview, or other proceeding unless given specific permission to do so. Parties are expected to ask and respond to questions on their own behalf throughout the resolution process. If a party requests to

[18] "Available" means a party cannot insist on an advisor who doesn't have the inclination, time, or availability. The advisor cannot have institutionally conflicting roles. A party who chooses an advisor who is also a witness may anticipate that issues of potential bias could be explored by the decision maker.

be fully represented by their attorney advisor, the College will comply at the discretion of the Title IX Coordinator.

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

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

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

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

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

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

Under 2020 Title IX regulations, a form of questioning during the hearing must be conducted by the parties advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an advisor for a hearing, the College will appoint a trained advisor for the limited purpose of conducting any questioning of the parties and witnesses. An advisor will conduct all questioning during the formal hearing process under Title IX.

15. INVESTIGATION AND RESOLUTION PROCESS

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

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

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

A. Application to Employees

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

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

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

employment and in connection with their student status as appropriate under these and other applicable procedures.

B. Initial Meetings with Title IX Staff

i. Complainant

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

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

ii. Respondent

If the complainant or Title IX Coordinator submit a formal complaint[19], the Title IX Coordinator will send the respondent a notice of allegations and investigation (NOAI) detailed below. Included in the email notification of the NOAI will be a meeting time with the Title IX Coordinator and the following information:

- Information about the College's formal and informal resolution processes;
- A statement of the allegations of behavior potentially constituting prohibited conduct, including sufficient detail. This includes the identity of the parties involved if known, the conduct alleged, and the date/location of alleged incident if known;

[19] The Title IX Coordinator may facilitate conversations with the respondent without a formal complaint, such as with educational conversations.

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

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

- Discuss details of the complaint filed, including (if known) the name of the complainant, 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 Tite IX investigation;
- Explain the right to an advisor;
- Discuss confidentiality standards;
- 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; and
- Learn of the respondent's willingness to engage in an informal resolution.

4. 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:

- Emergency removal of a respondent on the basis of an immediate threat to an individual and/or campus communities physical health/safety;
- Whether the Title IX Coordinator should sign a formal complaint even if 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/mental health assessment. A violence risk assessment assesses the risk of actionable violence, often with a focus on targeted predatory escalations. CCSNH typically utilizes the NABITA training model and uses the SIVRA-35 structured interview for violence risk assessments.

5. Formal Complaints

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

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

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

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

D. Dismissal

The College must dismiss a formal complaint from the Title IX grievance process if at any time during the investigation or resolution process:

- The conduct alleged would not constitute Title IX sexual harassment, even if proven true;
- The conduct did not occur in the College's education program or activity and/or the College does not have control over the respondent;
- The conduct did not occur in the United States;
- The complainant is not participating in or attempting to participate in the College's education program or activity at the time of filing the formal complaint.

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;
- The College determines the conduct alleged in the complaint would not constitute a policy violation if proven true.

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

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

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

v. Notify the parties of the result of the appeal and rationale for the result.

Grounds for dismissal appeals are limited to:

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

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

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

6. Withdrawal or Resignation before Complaint Resolution

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

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

7. Resolution of Reports Without a Formal Process

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

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

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 then pursue a formal resolution process. Any party participating in informal resolution can stop the process at any time prior to completion and begin/resume the formal resolution process. Informal resolution is available once a formal complaint has been initiated and an NOAI has been issued. Under 2020 Title IX regulations, this is not available for student – employee complaints.

At the Title IX Coordinators discretion, the parties may agree, as a condition of engaging in informal resolution, on what statements made or evidence shared during the informal resolution process will/will not be considered if a formal process resumes[20]. Parties do not have the authority to stipulate restrictions or obligations for individuals or groups not involved in the informal resolution

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

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 programing 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 parties 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 taking into account 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; and
- Adequate resources to invest (time, staff, etc.)

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

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

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 on responsibility, restrictions, sanctions, restorative measures, and/or remedies. No appeal of the finding of responsibility or sanctions will be available in such circumstances. If the parties cannot agree on all terms, the resolution process will continue/resume.

8. Formal Investigations - Title IX & Non-Title IX

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

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

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

- 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 due to health conditions of either party. The parties will receive regular updates, including for extensions/delays, and can request additional updates from the Title IX Coordinator at any time.

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

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

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

1. The Title IX Coordinator will assign or retain an investigator. A notice of investigator appointment letter will be sent to both parties. In this letter, the full name of the investigator will be provided. Each party will have 48 hours to object to the investigator's appointment on the grounds that the investigator has a bias for or against complainants or respondents generally or a particular party or has a conflict of interest. Objections must be made in writing and sent to the Title IX Coordinator who will decide whether to appoint an alternative investigator. This process will be repeated until an investigator is selected. After this objection timeframe passes, all relevant information to the case will be transferred to the appointed investigator.

2. The investigator is authorized to access relevant records, including personnel, grievance, and student records except those deemed confidential or privileged by law. The investigator is authorized to contact any and all individuals without limitation. Both parties will be provided with timely notice of any meeting related to this process that they are invited to or expected to attend. This will include written notice of the date, time, location, participants, and purpose of the meeting with sufficient time for the party to prepare to participate. Meetings will be scheduled in conjunction with the party's academic course schedule to ensure that neither party miss classes due to a meeting related to this process. Additional meeting times will be included in notifications sent by the Title IX Coordinator at least 24 hours prior to the scheduled meeting. If a party is unable to attend, they must notify the Title IX Coordinator with the reason for the conflict and offer alternative meeting times.

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

4. Prior to the conclusion of the investigation, the Title IX Coordinator will provide the parties and their advisors (if so desired by parties) an electronic copy of the draft investigative report as well as an opportunity to inspect and review all relevant

evidence obtained as part of the investigation, including evidence the College does not intend to rely on in reaching a determination. The parties will have ten (10) business days to review and comment so that each party may meaningfully respond to the evidence. The parties may elect to waive all or part of the review period. Any responses should be submitted to the Title IX coordinator within this 10-day period. The Title IX Coordinator will make any party's response available for any other party to review.

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

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

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

Recording of Interviews

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

J. 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 complainant's sexual predisposition or prior sexual behavior (unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged or if questions/evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent);
- Information protected under a legally recognized privilege (such as privileged communications between parties and their physician, psychiatrist, psychologist, or other

recognized professional or paraprofessional acting in a treatment capacity or privileged communications between a party and their attorney) unless the person holding such privilege waives the privilege.

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

K. Formal Resolution Procedures

CCSNH utilizes two formal resolution procedures to resolve allegations that fall within the scope of this policy. The Formal Hearing Resolution Procedure Process A will cover Title IX allegations of sexual harassment with a formal hearing utilizing cross-examination by advisors as mandated by 2020 Title IX Regulations. Process B will cover Non-Title IX allegations of sexual harassment, sexual misconduct, and/or discrimination that utilizes decision maker questioning during the formal hearing.

i. Formal Hearing Resolution Procedure – Process A

a. As noted above, upon receipt of the final investigative report, the Title IX Coordinator will send both parties[21] and their advisors[22], if applicable (may be an attorney), the final investigative report and evidence in an electronic format for their review and written response if the parties so chose to submit one. Any written response a party wishes to provide must be submitted to the Title IX Coordinator within ten (10) days of receiving the final investigative report and evidence. The final report and party written responses, if any, will be provided to the decision maker in advance of the hearing. Deadlines for party review of information and submission of comments may be extended upon request for good cause and at the discretion of the Title IX Coordinator.

b. Once the final investigative report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing and appoint a decision maker as well as a hearing facilitator[23]. Each party will have 48 hours to object to the appointment on the grounds that the decision maker and/or hearing facilitator is biased against one or both parties or has a conflict of interest. Objections must be made in writing and sent to the Title IX Coordinator who will decide whether to appoint an alternative decision maker and/or hearing facilitator. This process will be repeated until a decision maker and/or hearing facilitator is selected. After the

[21] 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.
[22] Advisors may not be called as witnesses to testify to what their advisee has told them during their role as an advisor.
[23] The Title IX Coordinator will select the appropriate decision-maker depending on whether the respondent is an employee or a student.

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

c. The decision maker may consider arguments from the parties on evidence being relevant or impermissible in the parties written response to the final investigative report. The decision maker will rule on these arguments pre-hearing and will exchange those rulings with the parties prior to the hearing. The decision maker may consult with the Title IX Coordinator regarding questions of admissibility.
d. The decision maker, after any necessary consultation with the parties/investigator/Title IX Coordinator, will provide the names of persons who will be participating in the hearing[24], all pertinent documentary evidence, the final investigative report, and a hearing schedule/Zoom link to the parties at least seven (7) business days prior to the hearing in an email notice to all parties. Witnesses will be notified at least five (5) days before the hearing of the time they are asked to attend. Other pertinent information will be shared with the parties and witnesses in this notification. Witnesses will only be present during their portion of questioning.[25] Hearings will be scheduled into the summer as needed to avoid lengthy delays and may be scheduled over several days depending on witness schedules.
e. At least two (2) days before the hearing, the parties may submit to the decision maker any questions they plan to have their advisor ask of the other party and witnesses The decision maker will let the parties know if any questions are deemed irrelevant and/or impermissible. 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 advisors 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, 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. All questions are subject to the decision makers relevance determination. The advisor will pose the question orally and the proceeding will pause to allow the decision-maker to consider the questions and determine if the question will be permitted, disallowed, or rephrased. The decision maker will explain any decision to exclude a question as not relevant or to reframe for relevance. The decision-maker will limit or disallow questions on the basis that they are irrelevant unduly repetitious, or abusive. The decision maker may consult with the Title IX Coordinator on questions of admissibility.

[24] This may include anyone authorized to provide accommodations, interpretation, and/or assistive services.
[25] If the decision maker and both parties agree, they may decide that certain witnesses do not need to be present if their testimony can be adequately summarized in the final investigative report and their presence is not essential.

h. After the advisors ask 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 to ask any follow-up questions. The parties may waive this recess or choose not to participate if the other party does not waive this recess. Advisors will submit these electronically to the decision maker via email and the decision maker will briefly deliberate and make a relevance/impermissible determination[26]. These will be shared with the parties. The advisors will then ask any follow-up questions deemed relevant/permissible by the decision-maker.
i. Any party or witness may choose not to offer evidence and/or answer questions at the hearing either because they do not attend or because they attend but refuse to participate in some or all of the questioning. The decision maker can only rely on whatever relevant evidence is available through the investigation and hearing in making ultimate determination of responsibility. The decision maker may not draw any inference solely from a party or witness's absence or refusal answer questions.
j. At the end of the hearing, the parties may consult with their advisors in a recess and make closing statements. The hearing facilitator will then close the hearing.

ii. Formal Hearing Resolution Procedure – Process B

k. As noted above, upon receipt of the final investigative report, the Title IX Coordinator will send both parties[27] and their advisors[28], if applicable (may be an attorney), the final investigative report and evidence in an electronic format for their review and written response if the parties so chose to submit one. Any written response a party wishes to provide must be submitted to the Title IX Coordinator within ten (10) days of receiving the final investigative report and evidence. The final report and party written responses, if any, will be provided to the decision maker in advance of the hearing. Deadlines for party review of information and submission of comments may be extended upon request for good cause and at the discretion of the Title IX Coordinator.
l. 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[29]. Each party will have 48 hours to object to the appointment on the grounds that the decision maker and/or hearing facilitator is biased against one or both parties or has a conflict of interest. Objections must be

[26] The Decision maker may consult with the Title IX Coordinator in making these determinations on questions of admissibility.
[27] 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.
[28] Advisors may not be called as witnesses to testify to what their advisee has told them during their role as an advisor.
[29] The Title IX Coordinator will select the appropriate decision-maker depending on whether the respondent is an employee or a student.

made in writing and sent to the Title IX Coordinator who will decide whether to appoint an alternative decision maker and/or hearing facilitator. This process will be repeated until a decision maker and/or hearing facilitator is selected. After the objection timeframe passes, all relevant information to the case will be transferred to the appointed decision maker.

m. The decision maker may consider arguments from the parties on evidence being relevant or impermissible in the parties written response to the final investigative report. The decision maker will rule on these arguments pre-hearing and will exchange those rulings with the parties prior to the hearing. The decision maker may consult with the Title IX Coordinator regarding questions of admissibility.
n. 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[30], all pertinent documentary evidence, the final investigative report, and a hearing schedule/Zoom link to the parties at least seven (7) business days prior to the hearing in an email notice to all parties. Witnesses will be notified at least five (5) days before the hearing of the time they are asked to attend. Other pertinent information will be shared with the parties and witnesses in this notification. Witnesses will only be present during their portion of questioning.[31] Hearings will be scheduled into the summer as needed to avoid lengthy delays and may be scheduled over several days depending on witness schedules.
o. At least two (2) days before the hearing, the parties may submit to the decision maker a written statement that identifies the facts they dispute and questions they believe the decision maker should ask of the parties and/or witnesses so that the decision maker may question the parties about these facts during the hearing. Facts that are undisputed by all parties may be relied upon by the decision maker even if they are not directly discussed at the hearing. The decision maker is not required to ask questions they deem irrelevant and/or impermissible. The decision maker will share with all parties these submitted statements as well as reasoning for not asking irrelevant/impermissible questions. The decision maker may consult with the Title IX Coordinator on questions of admissibility regarding these determinations.
p. 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

[30] This may include anyone authorized to provide accommodations, interpretation, and/or assistive services.
[31] If the decision maker and both parties agree, they may decide that certain witnesses do not need to be present if their testimony can be adequately summarized in the final investigative report and their presence is not essential.

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.

q. After the decision maker asks questions of each party and witness, the hearing facilitator will permit a short recess (most often in the format of a Zoom breakout room) so that the parties may discuss with their advisor if they would like the decision maker to ask any follow-up questions. The parties may waive this recess or choose not to participate if the other party does not waive this recess. Advisors will submit these electronically to the decision maker via email and the decision maker will briefly deliberate and make a relevance/impermissible determination[32]. These will be shared with the parties. The decision maker will then ask any follow-up questions they deem relevant/permissible.
r. Any party or witness may choose not to offer evidence and/or answer questions at the hearing either because they do not attend or because they attend but refuse to participate in some or all of the questioning. The decision maker can only rely on whatever relevant evidence is available through the investigation and hearing in making ultimate determination of responsibility. The decision maker may not draw any inference solely from a party or witness's absence or refusal answer questions.
s. At the end of the hearing, the parties (not their advisors) may consult with their advisors in a recess and make closing statements. The hearing facilitator will then close the hearing.

Introduction of New Evidence or Witnesses at the Hearing

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

Recorded Hearings

All hearings conducted by the Title IX office will be virtual to accommodate the many different schedules and locations of participants and will be recorded for the purpose of review in the event of an appeal. The decision maker and the parties must be able to simultaneously see and hear a party/witness while they are speaking. The parties may not record the proceedings and no other unauthorized recordings are permitted. The decision maker, parties, advisors, hearing facilitator and other administrators will be permitted upon request to listen to the recording in a controlled

[32] The Decision maker may consult with the Title IX Coordinator in making these determinations on questions of admissibility.

environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission from the Title IX Coordinator.

ii. Notice of Outcome

After the hearing, the decision maker will determine whether the respondent[33] 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).

t. Within ten (10) business days after the conclusion of the hearing, the decision maker will prepare and deliver to the Title IX Coordinator a written notice of outcome regarding whether the respondent is or is not responsible for the policy violations in question. The notice of outcome will include:
    - 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; and
    - The determination will notify parties whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the complainant but will not provide details about such remedies.

u. In cases where the decision maker determines the respondent is responsible for a policy violation, the Title IX Coordinator will share the decision maker's determination and sanction assignments with the appropriate personnel who will implement sanctions[34].

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

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

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

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

L. Appeal Process

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

- A 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 Title IX team member of the resolution process 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 five (5) business days. An appeal must articulate the specific grounds for the appeal and provide a statement and/or evidence.
2. The Title IX Coordinator will appoint an appeal decision maker to determine if the request meets the grounds for an appeal. This will be an independent person from the previous process including from any dismissal appeal that may have been heard earlier in the process. The parties will have 24 hours to object to the appointment of the appeal decision maker, in writing, on

the basis of perceived bias or conflict of interest. The Title IX Coordinator has the sole authority to determine whether to replace an appeals decision maker and that decision is final.

   a. If the request does not meet the grounds for appeal, the request will be denied and the appeal decision maker will notify the parties, their advisors, and the Title IX Coordinator in writing of the denial and rationale.
   b. If the request does meet the grounds for appeal, the appeal decision maker will notify the parties, their advisors, and the Title IX Coordinator in writing as well as investigators/original decision maker when appropriate.
   c. If both parties submit appeals (cross-appeals or counter appeals), the same appeal decision maker will decide both appeals individually but at the same time. The same appeal decision maker will decide any appeals arising from the same facts and circumstances.

3. Following this notification, the non-appealing party has five (5) business days to submit a written response to the appeal which will be provided to the appealing party.
   a. No party may submit any new requests for appeal after this time period.
4. An appeal is typically confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The appeal decision maker will defer to the original findings and determination, remanding only when there is clear reason to do so or modifying the outcome/sanctions only when there is a compelling justification to do so. An appeal is not an opportunity for the appeal decision maker to substitute judgement because they disagree with the original decision maker. The appeal decision maker may consult with the Title IX Coordinator on questions of procedure, rationale or additional clarification.
5. The appeal decision maker may take one of three possible actions on appeal:
      1. Dismiss the appeal for failure to meet the grounds of appeal, therefore upholding the initial outcome and sanctions (if applicable).
      2. Remand to the investigator or decision maker with specific instructions on the remanded issue(s)
         a. In rare circumstances where an error cannot be cured by the original investigator,

decision maker, and/or Title IX Coordinator (in cases of bias), the appeal decision maker may order a new investigation and/or determination with new members serving in the affected roles.

3. Modify the outcome and/or sanction with a rationale supporting the modification.

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

M. Sanctions

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

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

Sanctions may include but are not limited to:

- 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 an officer position 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);
- 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 for 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 due to relevant information obtained from the complaint resolution process. Non-disciplinary measures as deemed appropriate in the discretion of the College (including but not limited to no contact orders or housing relocation) may be implemented even in cases where a policy violation was not found.

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

N. 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.

16. PREGNANCY, RELATED CONDITIONS, AND PARENTING INDIVIDUALS[35]

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 people, 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 18[36], 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[37], 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 College employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Title IX Coordinators contact information and communicate that the Title IX Coordinator can help take specific actions to prevent discrimination and ensure equal access to the College's education program and activity. If the

[35] This section is unrelated to institutional Title IX compliance
[36] Or a person who is 18 or older but is incapable of self-care because of mental or physical disability.
[37] 'Termination of pregnancy' includes miscarriage, stillbirth, or abortion.

employee has a reasonable belief that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the Title IX Coordinator's contact information to the student.

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

- Prohibit sex discrimination;
- Provide reasonable accommodations;
- Allow access, on a voluntary basis, to any separate or comparable portion of the institutions 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 file a complaint for alleged discrimination, harassment, or retaliation.

3. Reasonable Modifications for Students

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

- 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 students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the reasonable modification.

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

4. Certification to Participate

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

- The certified level of physical ability or health is necessary for participation;
- The institutions requires 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 others. Lactation spaces are located in the following locations:

Streeter Hall room 168. Area is locked, contact Campus Safety for entry (603)921-1089

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 policy.

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, COMMUNCATION, AND TRAINING

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

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

A. Primary Prevention and Awareness

Primary Prevention programs are those that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships/sexuality, encourage

safe bystander intervention, and seek to change behavior and social norms in healthy/safe directions. Awareness programs are programs that are community-wide or audience specific that increase knowledge and share information/resources to prevent violence, promote safety, and reduce perpetration.

B. Bystander Intervention

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

- 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 of being victimized and reduce the risk of being accused of sexual misconduct. CCSNH does not condone

victim-blaming and acknowledges that only those who commit violence are responsible for their actions.

Reducing the Risk of Victimization

- 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 Nashua Community College program offerings. For more information or to request a program/training, contact the Title IX Coordinator at Loreen Tirrell, ltirrell@ccsnh.edu; 603-573-1287

Title IX New Student Training – 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 – Training for all full and part-time employees 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
- Adjunct Faculty will be trained via written materials upon hire

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 regularly 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 resolution process consistently, including issues of disparate treatment, disparate impact, sexual harassment, quid pro quo, hostile environment harassment, sexual misconduct, 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 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 as of January 14th, 2025. Complaints or notices of alleged policy violations, inquiries, or concerns regarding this policy and procedure may be made to the Title IX Coordinator. This policy is subject to change to comply with changes in relevant laws or College operating procedures. If government laws, regulations, or court decisions change in ways that impact this document, this document will be construed to comply with the most recent government regulations or holdings. This policy supersedes all previous College policies and procedures that covered some or all of the areas addressed in this policy.