



Colby·Sawyer  
College

## **Annual Campus Security and Fire Safety Report**



The information in this report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report contains crime and fire statistics for 2020, 2021, & 2022.

**Reported September 2023**

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### **Preparation of the Annual Campus Safety Report**

The Associate Dean of Students and Director of Emergency Management prepares this report annually to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, commonly known as the Clery Act. The full text of this report is located on our web site at <http://colby-sawyer.edu/assets/safety/CSC-Annual-Security-and-Fire-Safety-Report.pdf>. You can also visit our site via the CSC Home page at [www.colby-sawyer.edu](http://www.colby-sawyer.edu). This report is prepared in cooperation with law enforcement, Residential Education, Student Activities, Citizenship Education, and the Baird Health and Counseling Center. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act.

Campus crime, arrest, and referral statistics include those reported to Campus Safety. Campus Security Authorities are designated campus officials to include, but not limited to directors, deans, Citizenship Education, Residential Education, advisors to student organizations, athletic coaches, and law enforcement. These statistics may also include crimes that have occurred in private residences or businesses, and is not required by law.

Colby-Sawyer College, or CSC publishes the Annual Security and Fire Safety Report on or before October 1st of each year. That office sends an email announcement to all students, faculty, and staff, which explains the purpose of the report and informs them that they can access the report via the CSC website. A hyperlink to the report is included in the announcement. Copies of the report may also be obtained at Campus Safety located in James House, or by calling 603-526-3675. Prospective employees may obtain a copy of the report from Human Resources, which is located in Colgate Hall.

### **Campus Safety Objective**

Campus Safety's mission is to create a safe environment conducive to learning by promoting individual responsibility and community commitment through education, empowerment, engineering, and enforcement, using proactive partnerships throughout the Colby-Sawyer College community.

### **General Information**

The Department of Campus Safety is within the Division of Student Development. While each of us plays a role in keeping Colby-Sawyer safe, the Department of Campus Safety has the duty of maintaining a safe and secure campus. The Campus Safety Office is centrally located in James House, and the Campus Safety personnel are on duty 24 hours a day, 365 days a year. They can be reached via email at [cssafety@colby-sawyer.edu](mailto:cssafety@colby-sawyer.edu) or by calling 603-526-3300 at any time, day or night.

Currently, the Department of Campus Safety is comprised of a Director, Assistant Director and Investigator, Operations Manager, Access Control and Security Specialist, and five full-time Officers. Supplementary personnel are engaged for special events on campus that generate many visitors and traffic. The department sometimes augments its coverage with contract security personnel provided by Diplomatic Security on an "as needed" basis. In addition, approximately 20 students are employed part-time as Communications Specialists and [Help and Observation in a Protected Environment](#) (H.O.P.E.) Monitors during the academic year.

Campus Safety Officers are a team of professionals working to provide a secure and safe environment in order to facilitate the educational mission of the college. Most have prior experience in security, law enforcement, public safety, education or the military. Within their first year of employment most officers have successfully completed their field training, foundational campus safety officer coursework, received certification in CPR/AED/First Aid, and trauma-informed training in the investigation of sexual assault. Student workers receive orientation and training specific to their responsibilities.

The campus is monitored and evaluated 24 hours a day by Campus Safety personnel on foot, in vehicles and on bicycles. Closed-circuit television cameras record activity in some parking lots and other public locations. Duty personnel are equipped with portable radios and cell phones which provide constant communication to all parts of the campus, as well as 24/7 direct communication with local emergency services through the New London Dispatch Center.

The Campus Safety staff responds to health emergencies or injuries of students, faculty and staff when appropriate and can arrange for medical care at the New London Hospital. Campus Safety personnel are authorized to transport individuals requiring non-emergency medical assistance. Medical emergency transports will be performed by New London Ambulance or their designee.

In addition, Campus Safety also provides the following services including but not limited to: educating our community about safety and security, creating and issuing IDs, traffic and parking management, electronic access control/lock services, safety escorts, lost and found services, guest registration, and college van driver certification.

### **Authority and Relationship with Other Agencies**

Campus Safety Officers, acting as agents of the college, are authorized to enforce the policies and regulations of the college and to refer those individuals in violation to the Department of Citizenship Education. Officers do not have sworn police powers. The college maintains a cooperative relationship with the Town of New London, and Campus Safety maintains an excellent working relationship with New London Police Department. The circumstances under which New London Police Department will be contacted are defined in a Memorandum of Understanding between New London Police Department and the CSC Department of Campus Safety that outlines which agency will have jurisdiction over which types of offenses. Campus Safety also periodically works with local, state, and federal organizations on investigations, programs, and training.

The local law enforcement agency serving Colby-Sawyer is the New London Police Department: <https://newlondon.nh.gov/index.asp?SEC=C75CE366-FE81-4151-9FB6-B3D6FB653C55> 603-526-2626.

### **How to Report Crimes and Emergencies On and Off Campus**

All crime victims and witnesses are strongly encouraged to immediately report the crime to Campus Safety. Accurate and prompt reporting of all crimes should also be made to the New London Police Department when the victim of a crime elects or is unable (physically/mentally)

to make such a report. Prompt reporting will assure timely warning notices on campus, and timely disclosure of crime statistics.

Call 9-1-1 immediately from any campus telephone or your cell phone to report an emergency or threat to life safety. To report a crime of a non-emergency nature, contact the Department of Campus Safety (526-3300) at any time. When calling please provide the following information:

- the nature of the incident
- where and when the incident occurred
- the person(s) involved (name, sex, race, age, height, weight, hair color and style, scars, tattoos, clothing, and anything else which might help in individual identification)
- the vehicle(s) involved (type, make, license plate number and state of license plate, color, decals, and anything else which might help in vehicle identification)
- a detailed description of the property (if any) in question

You are the main ingredient in crime prevention. Disinterest and complacency are the prime contributors to campus crime. Please be alert to all suspicious activity and report all incidents promptly. If You See Something, Say Something.

### **To Report A Crime on Campus**

You can contact Campus Safety at 603-526-3300 by using the wall-mounted emergency telephones located at the entrance of all residence halls and many administrative/academic buildings, or you can dial 9-1-1 for law enforcement response in an emergency. “Blue light” pedestal telephones are also located in lots K and M. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings, or around the residence halls should be reported to Campus Safety.

Communications Specialists and/or Campus Safety Officers are available at the aforementioned telephone numbers 24 hours a day to answer your call. In response to a call, Campus Safety or the appropriate law enforcement agency will dispatch an officer or ask the victim to file an incident report.

All Campus Safety incident reports are forwarded and reviewed by the Department of Citizenship Education, and/or Vice President for Student Development and Dean of Students or designee to determine if complaint alleges or addresses a potential violation of the Code of Community Responsibility or any policy outlined in the colleges Sexual Misconduct & Sex-Based Discrimination Policy and Grievance Procedures. Campus Safety personnel will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Department of Citizenship Education.

If assistance is required from the New London Police Department or the New London Fire Department, Campus Safety will contact the appropriate agency. If a sexual assault or rape should occur, staff on the scene, including Campus Safety, will offer the victim a wide variety of services. (See [Assistance for Victims: Rights and Options](#) for additional information)



This publication contains information about on-campus and off-campus resources. That information is made available to provide CSC community members with specific information about the resources that are available in the event that they become the victim of a crime. The information about “resources” is not provided to infer that they are “reporting entities” for CSC.

### **To Report a Crime off Campus**

A crime that occurs off campus should be reported to the police department having legal jurisdiction. Campus Safety is here to assist a college community member in the event they are unsure of the appropriate police department to contact. Call 603-526-3675 or, in case of an emergency, call 9-1-1. While Colby-Sawyer College does not operate any off-campus student organization facilities, the college does own residences in close proximity to campus. While the New London Police Department has primary jurisdiction in all areas off campus, Campus Safety Officers respond to student-related incidents that occur on property owned and leased by the college.

### **Campus Security Authorities**

A "[Campus Security Authority](#)" or CSA, is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution who have federally mandated responsibilities to report crimes that are reported to them. The law defines four categories of CSAs:

1. A member of a campus police department or a campus security department of an institution. (e.g., The Department of Campus Safety)
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., Hogan Sports Center front desk personnel).
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses (e.g., The Department of Campus Safety, Title IX Coordinator and Deputy Coordinator).
4. An official of an institution with significant responsibility for student and campus activities, including, but not limited to the, Dean of Students, Director of the Baird Health and Counseling Center, Directors of Athletics, Coaches, Club Advisors, as well as staff members from Student Activities, Citizenship Education and Residential Education. An official is defined as any person who has the authority and the duty to act or respond to particular issues on behalf of the institution.

While we prefer that community members promptly report all crimes and other emergencies directly to the local police and the Department of Campus Safety, we realize that some may prefer to report to other individuals. A CSA may also contact the Vice-President for Student Development and Dean of Students at 603-526-3752 or print and submit an online CSA crime report form via campus mail. See <http://colby-sawyer.edu/assets/pdf/csc-crime-statistic-form-2016.pdf>.

If a CSA receives Clery Act qualifying crime information and believes it was provided in good faith, meaning that there is reasonable basis for believing that the information is not rumor or

hearsay, then, the crime is Clery Act reportable and will be included in the crime statistics of the Annual Security and Fire Safety Report.

### **Confidential Reporting**

Victims of crime (\*excluding Sexual Misconduct & Sex-based Discrimination which includes sexual assault, sexual harassment, sexual exploitation, dating, domestic violence, and stalking) who do not wish to pursue action within the college or criminal justice systems can provide a confidential report. A 'Confidential Report Form' for victims to print, complete and submit can be found on the Department of Campus Safety website at: <http://colby-sawyer.edu/assets/pdf/csc-crime-statistic-form-2016.pdf>. Individuals wishing to remain anonymous should complete the form leaving the “reporting person” and “telephone number” spaces blank and place it in campus mail addressed to the Department of Campus Safety. This report will assist in providing an accurate record of the number of incidents involving our community; determine any patterns that may exist, while allowing us to alert the community to any potential danger. Reports filed in this manner are counted and disclosed in the annual statistics for the institution.

\* Any individual may make an anonymous report concerning an act of Sexual Misconduct & Sex-based Discrimination. An individual may report the incident without disclosing his/her name, identifying the respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, the college's ability to respond to an anonymous report may be limited. Anonymous reports may be made by downloading the “[Sexual Misconduct Report Form](#),” printing out the form and completing and returning it to the Associate Dean of Students and Director of Emergency Management. All reports will go to the Title IX Coordinator.

Concurrently, as a result of the negotiated rulemaking process which followed the signing into law the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be Campus Security Authorities. Campus “professional counselors,” when acting as such, are not considered to be a Campus Security Authority, and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged—if and when they deem it appropriate—to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

### **Timely Warnings**

Under the Clery Act, colleges and universities use timely warnings to inform the campus community of potential threats against which they can take preventive measures. These ongoing disclosure requirements, when implemented, can help to create and promote a safe campus environment.

Timely Warning Notices are typically issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting system (NIBRS) crime classifications: major incidents of arson, aggravated assaults, and murder/non-negligent manslaughter, robbery, burglary, hate crimes, sex offenses, dating violence, domestic violence and stalking. Cases of aggravated assault, sex offenses, and stalking, dating and domestic violence are considered on a case-by-case basis, depending on the facts of the case and the information known by the college. For example, if an alleged assault occurs between two students who have a disagreement, there



may be no on-going threat to the college community members and a Timely Warning Notice would not be distributed. Cases involving sexual assault are often reported long after the incident occurred, in which case there is no ability to distribute a “timely” warning to the community. Thus whether to issue a Timely Warning Notice based on a reported sex offense will be determined on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the college. Similarly, the college will assess reports of property crimes and will distribute a Timely Warning Notice in the event of a pattern of crime that poses a serious or continuing threat to the community. The Director of Campus Safety or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Timely Warning Notice is warranted. Timely Warnings also may be posted for other crime classifications and locations, as deemed necessary. Timely Warning Notices will be issued to students and employees in a manner that is timely, that withholds the names as confidential, and in a manner that aids in the prevention of future similar crimes.

Timely Warning Notices are typically written and distributed by the Associate Dean of Students and Director of Emergency Management. The College’s President and/or the Office of Marketing and Communications are also authorized to distribute Timely Warning Notices at the discretion of the Associate Dean of Students and Director of Emergency Management or designee. Timely Warnings are generally issued via email, but may also be distributed through text messages, posters, desktop alerts and with messages on CSC’s website when appropriate.

The following information is typically included in a Timely Warning if available:

- a. The date and time or timeframe of the incident;
- b. A brief description of the incident;
- c. Physical description of the suspect, when deemed appropriate and if there is sufficient detail;
- d. Other relevant and important information (e.g., gender of the victim, student/non-student, etc.);
- e. Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).

A timely warning is not issued for the above listed crimes if:

- The subject(s) apprehended and the threat of imminent danger to the CSC community has been mitigated by the apprehension.
- The college will withhold details of a timely warning that may lead to the identification of a victim of sexual violence, dating violence, domestic violence and or stalking, who does not wish to be identified.
- The college may withhold information from a timely warning so as not to jeopardize an ongoing investigation and or the apprehension of a suspect.
- If Campus Safety was not notified by Campus Security Authorities in a manner that would allow the department to post a timely warning to the community.
- Unless there are extenuating circumstances, a report that is filed more than five days after the date of the alleged incident may not allow the Campus Safety department to post a timely warning to the community. This type of situation will be evaluated on a case-by-case basis.

Anyone with information warranting a timely warning should report the circumstances to the Department of Campus Safety, by telephone (526-3300) or in person at James House.

### **College Owned/Leased Properties**

Traditional Student Residential Facilities: Abbey Hall, Austin Hall, Best Hall, Burpee Hall, Colby Hall, Danforth Hall, Lawson Hall, McKean Hall, Rooke Hall, and Shepard Hall.

“College Houses” Residential Facilities: London House (480 Main Street), Grey House (117 Gould Road), White House (75 Seamans Road), Yellow House (81 Seamans Road), and Red House. (452 Main Street).

Campus Academic/Administrative Facilities: Colgate Hall, William T. Baird Health and Counseling Center, Sawyer Fine Arts Center, Ware Student Center, Dan and Kathleen Hogan Sports Center, Reichhold Center, Susan Colgate Cleveland Library/Learning Center, Mercer Hall, Lethbridge Lodge and Pub, Curtis L. Ivey Science Center, Colby Homestead, Windy Hill School, Caretaker’s Cottage, James House, Sustainable Classroom, Center for Art + Design, and Sue’s Sugar House.

Campus Grounds/Fields: Patricia D. Kelsey Tennis Courts, Pierce Park, Kelsey Athletic Campus, Sally Shaw Veitch Track and Field, Mercer Field, Morris Trail, Susan’s Swamp, Lot A, Lot B, Lot C, Lot D, Lot E, Lot F, Lot G, Lot H, Lot I, Lot J, Lot K, Lot L, Lot M, and Lot P.

Non-Campus Academic/Administrative Facilities: President’s House (504 Main Street) and Facilities (372 Rear Main Street).

### **Access to Campus Facilities**

Colby-Sawyer College buildings, grounds, and parking areas are private property. Community members may use campus facilities for advertised public events or as members of the Susan Colgate Cleveland Library or Dan and Kathleen Hogan Sports Center.

Administrative buildings are secured at the earliest possible hour, given their projected use each day. Exterior doors to on-campus residence halls are locked 24/7; however, resident students can access all residence halls using their CSC SmartCard 7:00 AM through 9:30 PM Sunday through Thursday and 7:00 AM through 7:00 PM on Friday and Saturday, and their own on-campus residence hall after hours. The exteriors of the traditional residence halls are secured by electronic card access systems. Non-traditional student housing is secured 24/7 with the BEST® lock system. Campus Safety Officers periodically patrol on-campus and off-campus properties to check for propped doors, as well as other safety issues.

Some areas on campus, such as smart classrooms, computer rooms, and studios are restricted from access without authorization. Authorization must be in writing from the person responsible for the area and must be on file at the Campus Safety Office in order for access to be granted to any restricted area. Valid CSC identification is necessary to confirm authorization for access. Campus Safety reserves the right to give or deny access to any area in case of emergency.

### **Facilities and Grounds Access and Patrols**

The Campus Safety Officers on duty provide ongoing monitoring of on-campus and off-campus properties owned/leased by the college, through scheduled and random patrolling. Officers are alert to security and safety conditions such as unauthorized visitors, disruptive behavior, defective lighting, inoperative doors or locks, fire hazards, defective walkways, and evidence of vandalism. Officers monitor the parking lots to deter incidents, maintain open access, and to ensure compliance with the CSC parking policy.

### **CSC Smartcard**

The Colby-Sawyer College identification card is called the CSC SmartCard. It serves as both identification as well as a means to access buildings, check materials from the Susan Colgate Cleveland Library, eat in the dining facility and Lethbridge Lodge, make purchases at The Stable, and use the college athletic facilities. CSC SmartCards are issued and/or validated at student registration each semester and/or immediately after hiring. Replacement CSC SmartCards can be obtained throughout the year at the Campus Safety Office (fee must be paid to the Financial Services Office). Community members should carry their CSC SmartCards at all times when on campus, and present it to a Campus Safety Officer or other college official upon request, in accordance with the CSC SmartCard Policy and Procedure: <https://colby-sawyer.edu/id-cards>.

### **Trespass Policy**

Colby-Sawyer College is a private, independent college and its facilities, buildings, properties, and grounds are private property. Access to the Colby-Sawyer College campus and all off-site locations, is permitted only with Colby-Sawyer College's consent, which may be withdrawn at any time for any reason. The Student Activities Office must approve all vendors prior to conducting business on campus. Unauthorized persons found on campus will be deemed trespassers and may be subject to criminal prosecution. To view the complete Trespass Policy visit: <http://colby-sawyer.edu/trespass-policy>

### **Guests**

#### Non-Student Guests

Non-student guests who are visiting campus to include Colby-Sawyer College owned or leased buildings at any time must register with Campus Safety (whether sleeping here or not) immediately upon arrival and no later than the start of quiet hours Sunday-Thursday, 10:00 p.m.; Friday and Saturday, 1:00 a.m. A student hosting a non-student guest who will be arriving after quiet hours must contact Campus Safety at X3675 during regular business hours (M-F, 8a-5p) prior to their guest's arrival and request a special exception. No non-student guest will be registered after hours without having made prior arrangements. To view the complete Guest Policy visit: <http://colby-sawyer.edu/guest-policy>

#### Commuter Students

- Commuter students, who wish to visit the college residence halls, must be accompanied by their host at all times.

- Commuter students visiting the college residence halls between the start of quiet hours and 8 a.m. must register as a guest with Campus Safety. To register, the commuter student accompanied by the host must provide a valid Colby-Sawyer College ID and a completed Guest Registration Form, to a member of the Department of Campus Safety located in James House, prior to quiet hours.
- Commuter students may stay on campus as an overnight guest a maximum of two days during a seven-day period.

### **Lockouts and Lost Keys**

Colby-Sawyer College Lock Out Policy: Students should keep their doors locked at all times. Students who are locked out of their room should contact Campus Safety and request assistance. During the hours when Residential Education staff members are on duty, Campus Safety will attempt to contact a Resident Assistant (RA) and request assistance for the student. The RA will verify the identity of the requesting student (if unknown) and unlock the student's assigned room. During hours when Residential Education is not on duty, an RA is unreachable, or the student resides in CSC-non-traditional housing, Campus Safety will provide access. In all cases, Campus Safety will record the student's name and date of the request so an accurate count can be maintained.

Faculty and staff who are locked out of their workspaces should first contact their administrative assistant for access. If no one from their area is available to assist, they should contact Campus Safety for access.

Lock Out Charges: One free lock-out is permitted each academic year. A lock out fee of \$10 will be assessed for each additional lock out after the first has been logged. The lock out charges will be applied to the student's CSC Smartcard account at the end of each month. Students without a CSC Smartcard account will have their college account billed.

Colby-Sawyer College Lock Change Policy: At Colby-Sawyer College, the safety of our community members and visitors is a top priority. The loss or theft of a key is considered a security risk, as anyone who finds it is then able to access buildings and/or rooms. Therefore, lost keys should be reported to Campus Safety immediately. For the safety of all campus community members, a lost key will result in a lock change as soon as reasonably possible.

Lock Change Charges: Colby-Sawyer College uses a proprietary patented lock system making unauthorized key duplication improbable. Charges for lock/key replacement are based on the cost of materials and the labor required to change any of the locks potentially impacted by the missing key(s).

The residential student cost for lock changes is as follows: \$35.00 for a single, \$45.00 for a double, \$55.00 for a triple, and \$65.00 for a quad. Additional costs may be incurred for apartments and lease properties. Immediately after the lock change has been completed, Campus Safety will issue an invoice to the responsible party through CSC campus mail. The invoice should be paid at the Financial Services Office in Colgate Hall during regular business hours

with a check, CSC Smartcard, or Credit Card. Charges not paid within 14 days will be added to the student's college account.

The cost of lock changes for employees who have lost an assigned key is predicated on the kind of key(s) that were lost and the number of locks impacted. The department who employs the individual who lost the key will be billed and is responsible for all related charges.

### **Alcohol/Drug Laws and Policies\***

\*For complete policies specific to students refer to the Code of Community Responsibility:  
<https://colby-sawyer.edu/assets/student-life/citizenship/code-of-conduct.pdf>

\*For complete policies specific to employees refer to the Employee and Faculty Handbooks:  
<https://testcolbysawyer.sharepoint.com/sites/myHR/SitePages/Handbooks,-Policies-%26-Procedures.aspx>

### *Alcohol in General*

The abuse and illegal use of alcohol and other drugs is detrimental to academic endeavor, enjoyable social activity, personal growth, and the welfare of the campus community. The college acknowledges it has both a moral duty to care about substance abuse problems, as well as a legal responsibility to formally address and educate the campus community regarding substance abuse problems. The college's Department of Campus Safety is responsible for investigating alleged violations of college policy, which includes state and local laws concerning alcohol. When Campus Safety witnesses an infraction or an infraction is reported, they will generate an incident report, which will be forwarded for review by the Department of Citizenship Education and/or the Vice President for Student Development and Dean of Students or their designee (for an alleged student violator) or the Office of Human Resources (for an alleged employee violator) for further action. The college may also involve law enforcement based on the circumstances of the violation. Colby-Sawyer's rules and regulations, in addition to the enforcement of New Hampshire state law and compliance with the Drug-Free Schools and Communities Act of 1989, establish educational and legal parameters for alcohol use.

### **Individual Responsibility**

All members of the Colby-Sawyer community are expected to be familiar with and abide by college policies governing the use of alcohol and other drugs. Members of the college community, as well as visitors and guests, are legally and individually responsible should their behavior jeopardize themselves, the safety or welfare of any person, or result in damage to property. Behavior resulting from intoxication or chemical use which causes, or can be expected to cause, harm to any person, damage to any property, or disruption to the college environment will be dealt with in the aforementioned manner and may result in suspension or dismissal from Colby-Sawyer, and/or legal action.

### **Effects of Alcohol**

Alcohol consumption causes a number of marked changes in behavior. Even in low doses, alcohol impairs the judgment and coordination required to drive a car safely. High-risk drinking, defined as 5 or more drinks for males and 4 or more drinks for females in a two-hour period, has been correlated with an increase in negative consequences including, but not limited to, injury

and illness, decreased academic performance, unprotected sex, aggression, including relationship and sexual abuse, and black outs. Very high doses (blood alcohol concentrations of 0.25 and above) can cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the potentially fatal effects. It is important to note that legal and illegal drugs can speed up the effects of alcohol and have an unpredictable outcome. It is also important to note that drinking during pregnancy may have some physical and cognitive effects on an unborn child.

Alcohol poisoning, like any other drug overdose, can occur after drinking large amounts of alcohol in short periods of time. Additionally, people who are inexperienced with alcohol use or people who are sensitive to alcohol - can become acutely intoxicated and experience serious effects of alcohol poisoning. The signs and symptoms of alcohol poisoning can include: unconsciousness or semi-consciousness; slow respiration or respiratory difficulties; bluish skin (lips are bluish or bluish skin underneath fingernails); increased or decreased pulse (or no pulse); vomiting or continuous vomiting while semi-consciousness or unconscious; convulsions; and/or the strong odor of alcohol. If someone shows these signs it is an immediate emergency. These signs are not exhaustive, and in any emergency situation it is best to call for help when you are unsure. Call 9-1-1 to contact an ambulance for an alcohol-related accident, injury or overdose. Call Campus Safety (526-3300) if you'd like to admit a student to the [HOPE Program](#) or if you need support managing a non-life-threatening situation involving alcohol or other drugs. If you or are interested in learning more about alcohol and other drugs, contact the Baird Health and Counseling Center at 603-526-3621 or go to <http://colby-sawyer.edu/baird-health>

### **Policies Governing Alcohol Use**

Alcohol will be disposed of by authorized college personnel (i.e., Campus Safety officers, Residential Education staff, etc.) when confiscated. Colby-Sawyer College authorized personnel have the right to question and receive clarification from any person regarding containers or rooms that could contain an alcoholic beverage.

### **If you are under 21**

#### **Underage possession of alcohol:**

- Underage persons may not possess alcohol.
- Underage students who possess alcohol containers with any amount of alcohol will be considered in possession of alcohol.
- Underage students are prohibited from possessing and displaying alcohol containers.

#### **Underage consumption of alcohol:**

Underage persons may not consume alcohol. The determination of whether or not an underage student has/has not consumed alcohol will be based upon:

1. a campus safety officer or law enforcement officer administering a Field Sobriety Test (FST);
2. a campus safety officer or law enforcement officer administering a portable breath test with a Breath Alcohol Content (BrAC.) resulting in levels .01 and above; or
3. based on college official's physical observation, odor, and need not rely on any mechanical, electrical or chemical sobriety instrument.



New Hampshire State Law prohibits underage person to internally possess alcohol. Any underage person found to be possessing alcohol internally will also be charged with “Underage consumption of alcohol”.

*Policies that limit the amount and location of alcohol consumption for those over 21 also apply to students under 21 and will serve as additional violations if applicable.*

**If you are 21 or over**

Persons of legal age (21 years old or older) may possess or consume alcohol in residence hall student rooms where at least one of the assigned residents is of legal age and present. Persons of legal age may purchase and consume alcoholic beverages in a licensed campus area during college-sponsored events.

\*For exceptions to this policy please refer to the “Alcohol during vacation housing periods” policy and/or contact Residential Education to review your temporary housing contract.

**Alcohol during Vacation Housing Periods:**

Persons of legal age may not possess or consume alcohol during temporary housing periods. For example, student under a temporary housing contract for reasons such as, but not limited to: pre-season sports, holidays, time between end of semester and beginning of next semester etc.

For exceptions/expectations to this policy refer to the Department of Residential Education Vacation Housing policy located at <http://colby-sawyer.edu/resed-policies>

*Any student under the age of 21 who violates the “Alcohol during Vacation Housing Periods” policy will be charged with “Underage consumption/possession of alcohol” and “Alcohol during Vacation Housing Periods” along with any other possible policy violations that may apply.*

**Supplying Alcohol to Minors:**

Persons of legal age may not buy, sell, provide, furnish, barter, or exchange alcoholic beverages under any circumstances to/with minors.

\*New Hampshire also has a Party Host Liability Law. Students should be familiar with their responsibilities under this law. For more information, visit:

<http://www.gencourt.state.nh.us/rsa/html/LXII/644/644-18.htm>

\*\*Persons of legal age allowing underage person to consume alcohol in the legal age person’s assigned living space will more than likely be charged with “Supplying alcohol to minors”.

**Open Containers:**

Consumption of alcohol and open containers of alcoholic beverages are prohibited in all common or public areas unless at a college sponsored event. Students who are consuming alcohol in private rooms with the doors open will be considered consuming alcohol publicly.

*Any student under the age of 21 who violates the “open container” policy will be charged with “Underage consumption/possession of alcohol” and “Open Container” along with any other possible policy violations that may apply.*

**Excessive Possession of Alcohol:**

Persons of legal age may not possess more than any one of the following:

- 30, 12-ounce containers or beer or equivalent
- 20, 12-ounce wine coolers
- 12, 12-ounce mixed alcoholic packaged beverages
- one half gallon of wine
- 1.75 liters of distilled spirits

*Any student under the age of 21 who violates the “Excessive Possession” policy will be charged with “Underage consumption/possession of alcohol” and “Excessive Possession” along with any other possible policy violations that may apply.*

**High Risk Consumption:**

A student may not drink alcohol in a high-risk manner or to the point of intoxication, nor may he/she knowingly serve another to the point of intoxication, regardless of age. Behavioral symptoms frequently associated with excessive consumption or intoxication may include: Impaired motor skills, difficulty communicating, vomiting, glazed/red eyes, the smell of alcohol on one's breath, verbal and or/physical aggressiveness, destructive or disruptive behavior, and engaging in any behavior that may endanger oneself or others. The determination of high risk drinking or an intoxicated state will be based upon:

1. a campus safety officer administering a Field Sobriety Test;
2. a campus safety officer administering a portable breath test with a Breath Alcohol Content (BrAC.) resulting in levels .08 and above; or
3. based on a college official's physical observation, odor, and need not rely on any mechanical, electrical or chemical sobriety instrument.

Students who comply with a Campus Safety Officer's request to perform a Portable Breath Test (PBT) and whose results reveal a Breath Alcohol Content (BrAC) of .08 or above may have the option to participate in the H.O.P.E. Program. For more information about HOPE visit:

<http://colby-sawyer.edu/hope-program>

Students who do not comply with a Campus Safety Officer's request to perform a PBT, will be referred to the New London Police Department as per the Memorandum of Understanding (MOU) between Colby-Sawyer College and the New London Police Department and will also likely be charged with Colby-Sawyer College's “Failure to Comply” policy. To access the Memorandum of Understanding with New London Police Department, please contact Campus Safety at [cssafety@colby-sawyer.edu](mailto:cssafety@colby-sawyer.edu).

**Prohibited Alcohol:**

Persons of legal age may not possess or consume grain alcohol on Colby-Sawyer College owned or leased property.

*Any student under the age of 21 who violates the “Prohibited Alcohol” policy will be charged with “Underage consumption/possession of alcohol” and “Prohibited Alcohol” along with any other possible policy violations that may apply.*

**Common Sources of Alcohol:**

Persons of legal age may not possess any common source(s) of alcohol on Colby-Sawyer College owned or leased property. Common sources are only permitted at college sponsored events where the event has received authorization through the Department of Student Activities. Some examples of “common sources of alcohol” could include but not limited to: kegs; party balls; bars – multiple containers of alcohol; and alcoholic punches – a homemade beverage consisting of wine or spirits mixed with fruit juice soda, water, etc. and/or served from a common container.

*Any student under the age of 21 who violates the “Common Sources of Alcohol” policy will be charged with “Underage consumption/possession of alcohol” and “Common Sources of Alcohol” along with any other possible policy violations that may apply.*

**Drinking Practices that Promote Intoxication/Drinking Games:**

Drinking practices that promote intoxication and any paraphernalia which supports drinking practices are not allowed. Drinking games are contests or practices in which participants encourage or require other participants to consume alcohol. Drinking game paraphernalia could include cards, dice, or board games in the presence of alcohol. Some examples of Drinking Practices that Promote Intoxication could include, but are not limited to: Funneling, Card games that promote alcohol consumption: “Kings,” “Power Hour,” “Up and Down the River,” etc.; “Flip Cup”, “Pong”, “Beer Pong”, “Beirut”, “Water Pong”, “Quarters”, Movie drinking games, song drinking games, name games, etc.

*Any student under the age of 21 who violates the “Drinking Practices that Promote Intoxication/Drinking Games” policy will be charged with “Underage consumption/possession of alcohol” and “Drinking Practices that Promote Intoxication” along with any other possible policy violations that may apply.*

**Operating a Motor Vehicle**

Individuals are prohibited from operating motor vehicles while under the influence of alcohol or drugs.

**Failure to Register a Social Function:**

Social events involving or serving alcohol must be registered with at least one person of legal age to consume alcohol and have one designated non-drinking person (sober host) responsible for monitoring the behavior of guests invited to the event. Only persons of legal age may register a social function.

For information about registering a social function for on campus residence halls, please contact Residential Education at [residential@colby-sawyer.edu](mailto:residential@colby-sawyer.edu) or visit their webpage at <http://colby-sawyer.edu/assets/resed/Social-Function-Handout.pdf>. For information about registering a social function for one of the College Houses visit: <http://colby-sawyer.edu/assets/pdf/OffCampusSocialFunctionForm.pdf>

### **Galligan's Pub Policy**

The Galligan's Pub at Lethbridge Lodge opened in February 2015 in collaboration with the Brewing Science class and a menu of locally sourced produce. The pub is managed by Colby-Sawyer employees and operates in conjunction with Parkhurst Dining. Galligan's Pub may operate daily between the hours of 1pm to 1am. Days and hours of operation may vary and will be posted. The Lethbridge Lodge and Galligan's Pub are open to students, faculty, staff, alumni and their guests. The Lethbridge Lodge and pub provide a comfortable environment to socialize and promote social responsibility. Galligan's Pub service includes local beers and wines plus non-alcoholic beverages.

*The campus pub is a privilege and the college reserves the right to withdraw the serving of alcohol if inappropriate behavior or illegal drinking occurs.*

If you consume alcohol at the pub:

- You must be 21 years of age.
- You must provide identification upon request. A valid driver's license, an identification card issued by the department of motor vehicles, an armed services identification card, or a valid passport are acceptable forms of identification.
- Your alcoholic drink is your responsibility. You are responsible for the behavior of your guests, and to ensure that underage guests (including students) do not sample or drink your alcoholic beverage. Any unfinished beer is to be left at the bar. If drinking at a table, any remaining alcohol must be given to the bar staff.

### Alcohol Management:

Galligan's Pub is licensed to provide beer and wine during hours of operation. The term 'alcohol' in this policy refers to only beer and wine that is available by the college at the Galligan's Pub. Any alcohol consumed at the Galligan's Pub must be sourced directly from the Galligan's Pub, and not brought in by an independent source unless licensed to do so.

Galligan's Pub employs the following controls to assure compliance to legal requirements.

- Video cameras/recorders are located in the campus pub to record behaviors.
- Representatives from the New Hampshire State Liquor Commission, law and fire officials have the right to be on the premise of the campus pub at any time and act with legal authority.
- Any person who uses or attempts to use false identification for the purposes of acquiring alcohol at the campus pub will be prohibited access to the campus pub when alcohol is being served.
- Drinking games are not permitted in the pub.
- Pub staff will monitor alcoholic consumption levels and will deny alcohol service if intoxication or inappropriate behaviors are apparent.
- Pub staff will provide drinks and confirm the person to be of age to consume alcohol.
- Alcoholic drinks must be consumed in the 1st floor great room of the campus pub unless a special function permits consumption elsewhere.

### **New Hampshire State Alcohol Laws**

- The legal age for possession and consumption of alcohol in New Hampshire is 21. It is illegal for underage people to possess or consume alcohol.
- No driver under the age of 21, except when accompanied by a parent, legal guardian, or legal age spouse, can transport liquor in any part of a vehicle. Violators could lose their license for up to 60 days.
- It is unlawful to purchase alcohol for, or to give or sell alcohol to, an underage individual or a person under the influence of alcohol.
- The falsification of identification and misrepresentation of age to obtain alcohol is illegal. Acceptable proof of age must be established by a driver's license with a photograph or a State of New Hampshire identification card. Such card may be secured through the office of the New London town clerk. Violators are subject to fines and other penalties.
- Driving under the influence (D.U.I.) of alcohol or any drug is unlawful. No person shall drive or attempt to drive a vehicle while under the influence of alcohol while there is 0.08% or more by weight of alcohol in their blood (0.02% for minors).
- It is illegal for persons of any age to consume alcohol in or on public areas of the town. These areas include streets, sidewalks, parking lots, beaches, and buildings. Violators are subject to fines and/or arrest.
- Unlawful Possession: A person under the age of 21 is guilty of a violation if he or she is intoxicated (any amount of alcohol in system) due to consumption of an alcoholic beverage. \$300 minimum for the first offense, \$600 minimum for subsequent offenses, possible additional penalties such as the loss of New Hampshire State Driver's License even if the violation does not occur while operating a vehicle.
- Hosting an alcohol house party where five or more individuals under 21 are present and at least one minor has an alcoholic drink is guilty of a misdemeanor, which could result in the host(s) being fined up to \$2,000 and spend a year in jail.

### **Policies Governing Illicit Drug Use**

Colby-Sawyer College is committed to providing an academic, residential, and work environment free of the use of illicit drugs and the abuse of alcohol. To comply with the Drug-Free Schools and Communities Act Amendments of 1989 ("Drug-Free Schools Act") and the Drug-Free Workplace Act of 1988 ("Drug-Free Workplace Act"), the Office of Human Resources and the Office of Student Development have established policies and offer educational and treatment resources which meet federal and state regulations, as well as the needs of the institution and its faculty, staff and students.

Students, faculty and staff are accountable for the consequences of their own decisions to use or distribute illicit drugs or to serve or consume alcohol. They are also responsible for knowing and complying with applicable college policies and federal, state and local laws relating to drugs and alcohol.

Colby-Sawyer College prohibits the unlawful possession, use, distribution, manufacturing, control, sale or dispensation of illicit drugs or alcohol by its faculty, staff, and students on college property, as any part of a college sponsored program on or off campus, as part of the performance of college duties, or as part of Colby-Sawyer activities. The college will take disciplinary action in response to violations, consistent with college policies and federal, state and local laws.

The Drug-Free Workplace Act of 1988 requires Colby-Sawyer, as a federal grant recipient, to certify that it will provide a drug-free workplace. Unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the Colby-Sawyer workplace. The college will not condone criminal activity on its property, or on property under its direct control, and will take appropriate action up to and including terminating an employee or requiring him or her to participate in a drug abuse assistance or rehabilitation program. As a condition of employment, employees must abide by the terms of this prohibition and must notify Colby-Sawyer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.

The Department of Campus Safety is responsible for investigating alleged violations of college policy, which include federal and state drug laws. When Campus Safety suspects an infraction has occurred they will generate an incident report, which will be forwarded to Citizenship Education (student violator) or the Office of Human Resources (employee violator) for further action. The college may also involve law enforcement based on the circumstances of the violation per the Memorandum of Understanding between Colby-Sawyer College and the New London Police Department. Although the college does not act as a law enforcement agency, it will not protect faculty, staff, students or other individuals who have violated the law. Further, Colby-Sawyer will cooperate with law enforcement officials if an on-campus investigation is necessary.

Faculty and staff are subject to disciplinary action for violations of these policies. Depending on the circumstances, sanctions may range from a minimum of satisfactory participation in a rehabilitation program to a maximum of separation or termination from the college.

Student sanctions attempt to educate individuals and strengthen the community. When students violate the college's Drug and Alcohol Policies, one or more of the following sanctions may be imposed. Sanctions may include but are not limited to: Disciplinary Probation; Educational Program/Service Project; Restitution; Fine; Behavioral Agreement; Loss of Privileges; Housing Contract Probation or Suspension; Probationary Suspension; Suspension; and/or Dismissal. Students should visit the Citizenship Education webpage at: <http://colby-sawyer.edu/citizenship-education> for information about the student conduct process and procedure.

*Note: Students who are suspected of manufacturing or distributing drugs will be referred to an Administrative Hearing Panel and face suspension or dismissal if found responsible. As per the college's Memorandum of Understanding with the New London Police Department, information relating to the possible manufacture or distribution of drugs will be forwarded to the New London Police Department.*



Controlled drugs are defined by law as those having stimulant, depressant, or hallucinogenic effects upon the higher functions of the central nervous system and having potential for abuse or for physiological and psychological dependence or both. Controlled drugs are classified as: amphetamine, barbiturate, cannabis (marijuana), cocaine, morphine-type, hallucinogenic, and other stimulant and depressant drugs, excluding alcohol, nicotine, and caffeine. Synthetic drugs (synthetic marijuana, bath salts and the like) are also prohibited (possession of or by ingestion) at Colby-Sawyer College and New Hampshire state law.

*Note: Students who are suspected of possessing, using, or distributing synthetic drugs will be referred to an Administrative Hearing Board and face suspension or dismissal from the college. As per the college's Memorandum of Understanding (MOU) with the New London Police Department, information related to synthetic drug possession and use will be forwarded to the New London Police Department.*

**The following are prohibited behaviors:**

**The sale or distribution of drugs**, which is interpreted as the:

- transaction;
- exchange;
- gift or offer of; and/or
- prescription, administration, and dispensation of drugs as defined above.

**The manufacture of drugs**, which is interpreted as the:

- compounding;
- mixing;
- cultivating, growing;
- processing and/or preparing of controlled drugs.

**The possession of drugs**, which is interpreted as:

- having under control;
- controlling any premises or vehicle where a controlled drug is illegally kept or deposited; and/or
- aiding, assisting, or abetting a person, knowing that such a person is illegally in possession of a controlled drug.

*Note: As per the college's Memorandum of Understanding with New London Police Department, in the event **Schedule \*I, II, III, IV, and V** drugs are discovered on campus, the New London Police will be contacted. (\*When a 3/4 ounce (21.26 grams) of marijuana or more, or edible products, ointments, and tinctures exceed 300 milligrams (0.3 ml) of tetrahydrocannabinol or there is evidence of growing, selling, and/or trafficking any of the aforementioned items, NLPD will be contacted immediately.)*

*To access the Memorandum of Understanding with New London Police Department, please contact Campus Safety at [cssafety@colby-sawyer.edu](mailto:cssafety@colby-sawyer.edu).*

**The use of drugs**, which is interpreted as:

- ingesting or inhaling controlled drugs;
- ingesting or inhaling another person's prescription drugs; or
- using over the counter medication or products in ways or for purposes other than their intended use.

**The possession of drug paraphernalia**, which is defined as paraphernalia which supports, facilitates, or disguises the use of drugs. Drug paraphernalia could include bonges, clips, pipes, toilet paper rolls with fabric softener on them, modified soda bottles, etc.

### **Operating a Motor Vehicle**

Students are prohibited from operating motor vehicles while under the influence of alcohol or drugs.

### **Federal Drug Trafficking Penalties**

Colby-Sawyer College students, employees, visitors and guests are responsible for informing themselves of federal and state laws prohibiting the use, possession, manufacture or sale of controlled drugs. The federal and state laws concerning controlled drugs are supported by Colby-Sawyer College. The college will not interfere with the legal prosecution of anyone who is apprehended using drugs. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of Federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

### **Denial of Federal Benefits 21 U.S.C. 862**

A Federal Drug Conviction may result in the loss of Federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal Drug Trafficking convictions may result in denial of Federal Benefits for up to 5 years for a first conviction, 10 years for a second conviction, and permanent denial of Federal benefits for a third conviction. Federal Drug convictions for possession may result in denial of Federal benefits for up to 1 year for a first conviction and up to 5 years for subsequent convictions.

### **Forfeiture of Personal Property and Real Estate 21 U.S.C. 853**

Any person convicted of a Federal drug offense punishable by more than 1 year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

### **Federal Drug Trafficking Penalties 21 U.S.C. 841**

Penalties for Federal Drug Trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on Federal charges of drug trafficking within 1,000 feet of a University (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

### **Federal Drug Possession Penalties**

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000.

### **Building a Healthy Learning Community / Where to Get Help**

The college has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals, and college disciplinary actions.

Baird Health and Counseling Center provides the overall coordination of alcohol and drug education. However, many services are the responsibility of other areas of the institution. These include:

1. 3rd Millennium Classroom Under the Influence (Alcohol) or the (Marijuana) 101 Course: Alcohol/drug intervention courses used for on-campus violations that takes about 3 hours for a student to complete. The course is designed to reduce negative consequences and is presented in a motivational interviewing style.
2. HOPE (Help and Observation in a Protected Environment): Designed to provide a location where alcohol impaired students are observed by a trained student monitor until the alcohol related health risks have been reduced. Staff members monitor the status of the individual to include breath alcohol levels. HOPE monitors adhere to established protocols and make appropriate recommendations for care. Admission is voluntary and free to any CSC student found to be under the influence through the Department of Campus Safety. For more information, visit: <http://colby-sawyer.edu/hope-program>
3. Baird Health and Counseling Center services: Baird Health and Counseling Center provides supportive health and counseling assistance programs to those wanting help in dealing with substance-related issues, and will help in referrals to local mental health agencies and practitioners. The Center is available to all students as needed.
4. Red Ribbon Week: Baird Health and Counseling Center hosts this annual weeklong event. The event is an alcohol, tobacco, and other drug and violence prevention awareness campaign observed annually in October. It began as a tribute to fallen DEA special agent Enrique Camerena in 1985. Red Ribbon Week is the nation's largest and longest-running drug awareness and prevention program
5. Parental notification: Notification of parents may be accomplished via the student when violations of the alcohol and/or drug policies have been violated and adjudication is required. The college reserves the right to contact a student's parent or legal guardian to inform her/him if a student has been found responsible for violating the college's alcohol

policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned housing contract probation, housing contract revocation, probationary suspension, suspension, or dismissal.

### **Additional Substance Abuse Resources**

#### **On-Campus Organizations for Students**

- Department of Campus Safety (administrative/general): **(603) 526-3675**
- Director of Campus Safety: **(603) 526-3411**
- Baird Health and Counseling Center: **(603) 526-3621**
- Student Development Office: **(603) 526-3755**
- Help and Observation in a Protected Environment (HOPE): **(603) 526-3675**

#### **Off-Campus Organizations**

- Headrest Hotline: **(603) 448-4400** (a 24-hour crisis intervention and information and referral hotline dealing with suicide, alcohol, other drug problems, AIDS, etc.)
- Alcoholics Anonymous: **(800) 593-3300** (information and support regarding alcohol and alcohol abuse)
- Al-anon Alateen: **(603) 369-6930** (a fellowship of young people, whose lives have been affected by someone else's drinking)

### **Faculty/Staff Assistance**

ACI's Employee Assistance Program (EAP) provides professional and confidential services to help Colby-Sawyer employees and family members address a variety of personal, family, life, and work-related issues. Confidential and professional assessment and referral services for employees and their family members

#### **EAP and Work-Life Benefits:**

From the stress of everyday life to relationship issues or even work-related concerns, the EAP can help with any issue affecting overall health, well-being and life management.

Unlimited Telephonic Clinical Assessment and Referral Up to 3 Sessions of Professional

#### **Assessment for Employees and Family Members**

- Unlimited Child Care and Elder Care Referrals
- Legal Consultation for Unlimited Number of Issues per Year
- Financial Consultation for Unlimited Number of Issues per Year
- Unlimited Pet Care Consultation
- Unlimited Education Referrals and Resources
- Unlimited Referrals and Resources for any Personal Service
- Unlimited Community-based Resource Referrals
- Online Legal Resource Center
- Affinity™ Online Work-Life Website
- myACI App for Mobile Access
- Multicultural and Multilingual Providers Available Nationwide

Contact Human Resources or contact ACI Specialty Benefits toll-free at:

**855-RSL-HELP**

(855-775-4357)

[rsli@acieap.com](mailto:rsli@acieap.com)

<http://rsli.acieap.com>

## **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, As Amended by the Violence Against Women Reauthorization Act of 2013**

### **Introduction**

Colby-Sawyer College does not tolerate sexual misconduct or sex-based discrimination. An act of sexual misconduct or sex-based discrimination represents a fundamental failure by a community member to recognize and respect the intrinsic worth and dignity of another. Acts of sexual misconduct or sex-based discrimination are harmful, in most cases are illegal and will not be tolerated at Colby-Sawyer College. Such acts corrupt the integrity of the educational process, are contrary to the mission and values of the Colby-Sawyer College community and are against college policy. All forms of prohibited conduct under this policy are regarded as serious college offenses, and violations will likely result in discipline, including but not limited to separation from the college. State and federal laws also address conduct that may meet the college's definitions of prohibited conduct, and criminal prosecution by state, local, and/or federal law enforcement agencies may take place independently of any disciplinary action instituted by the college.

As provided for in Title IX of the Higher Education Amendments of 1972, Colby-Sawyer College prohibits discrimination and discriminatory harassment in all of its educational and employment programs and activities on the basis of any individual's sex, including admission and employment. Additionally, this policy complies with the regulations provided for in the Violence Against Women Reauthorization Act of 2013 ("VAWA"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), and Title VII of the Civil Rights Act of 1964. This Policy prohibits a broad continuum of behaviors, including those which may not be prohibited by law.

The college will respond to all allegations of Prohibited Conduct in a prompt, fair, and impartial manner. Retaliation against those who make a complaint or participate in a related grievance process, is strictly prohibited.

There is a presumption that a respondent is not responsible for the alleged conduct. If upon conclusion of the grievance process, an employee or student is found responsible for violating college policy, the college will issue sanctions pursuant to established sanctioning standards.

Inquiries regarding the application of this policy and the respective grievance procedures used to resolve complaints may be referred to the recipient's Title IX Coordinator, to the U.S. Department of Education's Office for Civil Rights, or both.

In order to address incidents of sexual misconduct that do not fall within the definition of Title IX Sexual Harassment, the college has two policies that address allegations of Colby-Sawyer College sexual misconduct policies; they are 1) [Colby-Sawyer College Established Grievance Procedures for Allegations Against Students](#), and 2) Colby-Sawyer College Established Grievance Procedures for Allegations Against Employees located in the employee handbook(s) <https://testcolbysawyer.sharepoint.com/sites/myHR> maintained through the college's Human Resources Department. These policies are interrelated and must be read together. If the allegations forming the basis of a formal complaint (defined below), if substantiated, would constitute prohibited conduct under both policies, then the grievance process set forth in this policy and grievance procedure will be applied in the investigation and adjudication of all the allegations.

Colby-Sawyer College's established grievance procedures apply only to certain conduct, as defined under this policy. Specifically, they apply to forms of sexual misconduct that do not fall under the scope of the Title IX sexual harassment policy, including sexual exploitation, improper conduct related to sex, and the college's sexual harassment policy. The college's established grievance procedures also apply to Sexual Misconduct and Sex-Based Discrimination Policy and Grievance Procedures 8.28.2023 2 certain conduct that would otherwise be prohibited under the Title IX sexual harassment policy (e.g., sexual assault, domestic violence, dating violence, and stalking under the Title IX sexual harassment policy), but which must be dismissed under that policy because they do not meet the jurisdictional requirements (See Part III: Prohibited Conduct).

The college will respond to reports or formal complaints (as defined in Part II.) of conduct prohibited under this policy with measures designed to stop the prohibited conduct, prevent its recurrence, and remediate any adverse effects of such conduct on campus or in college-related programs or activities. The college will not deprive an individual of rights guaranteed under federal and state law (or federal and state anti-discrimination provisions; or federal and state law prohibiting discrimination on the basis of sex) when responding to any claim of Title IX sexual harassment.

### **Title IX Coordinator and Deputy Coordinator**

Robin Burroughs Davis, Vice President of Student Development and Dean of Students, serves as the Title IX coordinator. In her role as Title IX coordinator, she coordinates the college's compliance with Title IX and all college conduct policies related to sexual misconduct to provide a prompt, fair, and equitable resolution process and provide appropriate education and training.

#### The Title IX coordinator will:

The college's Title IX Coordinator will be informed of all reports or formal complaints of violations of this policy, and oversees the college's centralized response to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA). The college's Title IX Coordinator's responsibilities include (but are not limited to):

- Communicating with all members of the college community regarding Title IX and VAWA, and providing information about how individuals may access their rights;



- Reviewing applicable college's policies to ensure institutional compliance with Title IX and VAWA;
- Monitoring the college's administration of its own applicable policies, including this policy and the college's and the college Employee Handbook(s) <https://testcolbysawyer.sharepoint.com/sites/myHR> if/when allegations pertain to the college's Sexual Misconduct and Sex-based Discrimination Policy and all related record keeping, timeframes, and other procedural requirements;
- Conducting training regarding Title IX, VAWA, and prohibited conduct defined in this policy and related policies; and
- Responding to any report or formal complaint regarding conduct that violates this policy.

For any report of which the college has actual knowledge (and any formal complaint), the college Title IX Coordinator shall oversee and implement the explanation and provision of any supportive measures. For any formal complaint, the college's Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any additional supportive measures, and monitors the administration of any related appeal.

**The college's Title IX Coordinator's contact information is as follows:**

**Vice President of Student Development and Dean of Students**

[Robin Burroughs Davis](#)

Vice President of Student Development and Dean of Students Room 105 Ware Student Center  
541 Main Street  
New London, NH 03257 Phone: (603) 526-3752

The Title IX Coordinator may delegate certain responsibilities under this policy to designated administrators, who are appropriately trained.

The title IX coordinator assisted by her designated Title IX deputy coordinators, ensures consistent application of the policy to all individuals and allows the college to respond promptly and equitably to eliminate the misconduct, prevent its recurrence and address its effects. Each is knowledgeable and trained in state and federal laws that apply to matters of sexual misconduct as well as college policy and procedure. The Title IX coordinator and deputy Title IX coordinators can be contacted by telephone, email, or in person during regular office hours.

**Title IX Deputy Coordinator**

- [Heather Zahn](#) (staff, administration and visitors) – Colgate Hall, room 230A  
541 Main Street  
New London, NH 03257 Phone: (603) 526-3584

\*For the purpose of this document the titles Title IX Coordinator and Title IX Deputy Coordinator will be used interchangeably.

The college provides the contact information of the college Title IX Coordinator to students, faculty, staff, applicants for admission, applicants for employment, and/or agreements with the college.

## **Employee Responsibilities**

### **Responsible Employees - Employees' Responsibility to Report**

In emergency situations, if there is a suspected crime in progress or imminent or serious threats to the safety of anyone, employees must immediately call 9-1-1 and then the Department of Campus Safety by dialing (603)526-3300.

Responsible Employees (which are all employees other than those formally designated as Confidential Resources under this policy must promptly report suspected violations of this policy to the college's Title IX Coordinator. Some students with special responsibilities, including Residential Education staff (e.g. RA's) must promptly report alleged violations of this policy to college's Title IX Coordinator.

Students are encouraged to report any suspected violation of this policy (after consulting a Confidential Resource as appropriate).

### **Campus Security Authorities (CSA)**

Campus Security Authorities (CSAs) are individuals who by virtue of their college responsibilities and under the Clery Act, are designated to receive and report criminal incidents to the Colby- Sawyer College Department of Campus Safety, so that they may be included and published in the College's Annual Security and Fire Safety Report. All Employees who are designated as Campus Security Authorities for the purposes of the Clery Act must immediately provide the Colby-Sawyer College Department of Campus Safety with non-identifying statistical information regarding all reported incidents of sexual assault, dating violence, domestic violence, and stalking.

### **Prohibited Conduct**

In determining whether alleged conduct violates this policy, the college will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

The prohibited behaviors listed below are serious offenses and will result in college discipline. Prohibited conduct involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another individual's state of incapacitation, will be deemed especially egregious and may result in disciplinary action up to immediate dismissal from the college or termination of employment. The respondent's consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation under this policy.

The following information pertains to Clery reportable crimes. To see the full list of prohibited conduct under the Colby-Sexual Misconduct and Sex-Based Discrimination Policy and Grievance Procedures go to:

[https://www.csctitleix.com/\\_files/ugd/4293dd\\_d8122588368e4dff97c5e97de2a121bb.pdf](https://www.csctitleix.com/_files/ugd/4293dd_d8122588368e4dff97c5e97de2a121bb.pdf)

**Consent, Incapacitation, and Coercion.** The college considers consent as a voluntary, informed, un-coerced agreement through words or actions freely given, which could be reasonably interpreted as a willingness to participate in mutually agreed upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

Indications that consent is not present include: when physical force is used or there is a reasonable belief of the threat of physical force; when duress is present; when one individual overcomes the physical limitations of another individual; and when an individual is incapable of making an intentional decision to participate in a sexual act, which could include instances in which the individual is in a state of incapacitation.

Important points regarding consent include:

- a. Consent to one act does not constitute consent to another act.
- b. Consent on a prior occasion does not constitute consent on a subsequent occasion.
- c. The existence of a prior or current relationship does not, in itself, constitute consent.
- d. Consent can be withdrawn or modified at any time.
- e. Consent is not implicit in an individual's manner of dress.
- f. Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- g. Silence, passivity, or lack of resistance does not necessarily constitute consent.
- h. Initiation by someone who a reasonable person knows or should have known to be deemed incapacitated is not consent.

**Coercion** includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

For purposes of this policy, **incapacitation** (or incapacity) is the state in which an individual's perception or judgment is so impaired that the individual lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation. An individual who is incapacitated is unable to consent to a sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where an individual knows or ought reasonably to have understood that the individual is incapacitated, constitutes is prohibited by this policy.

In New Hampshire, the age of sexual consent is 16-year-old. Aggravating circumstances that make penetration a crime include the following:

- force
- helpless victim

- threat of force
- threat of retaliation
- kidnapping
- drugged/intoxicated victim
- mentally defective victim
- concealment or surprise
- when penetration is accomplished after the victim has indicated by speech or conduct that consent is not freely given

**Sexual Assault:** Any sexual act directed against another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. This includes the following:

- a. Rape  
The carnal knowledge of a person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;  
Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- b. Sexual Assault with an Object  
To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- c. Fondling  
The touching of the private body parts of another person (buttocks, groin – vagina or penis, breasts) for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- d. Incest  
Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- e. Statutory Rape  
Sexual intercourse with a person who is under the statutory age of consent (NH under the age of 16).

New Hampshire RSA 632-A establishes three categories of sexual assault and related offenses.

1. Aggravated Felonious Sexual Assault (a Class A felony punishable by up to 15 years in prison, includes engaging in “sexual penetration” of another, in pertinent part, under any of the following circumstances:
  - through application of physical force, violence or superior physical strength;

- when the victim is physically helpless to resist;
  - when the victim is less than 13;
  - when at the time of the assault the victim indicates by speech or conduct that consent is not freely given to performance of the sexual act;
  - when there is a pattern of sexual assault with a victim under the age of 16;
  - When the actor coerces the victim to submit by threatened use of physical violence or physical strength, and the victim believes that the actor has the ability to execute these threats;
  - when the actor coerces the victim to submit by threatening to retaliate and the victim believes that the actor has the ability to execute these threats;
  - when the victim submits under circumstances involving false imprisonment, kidnapping or extortion;
  - when the actor, without the prior knowledge or consent of the victim, administers or has knowledge of another person administering to the victim any intoxicating substance which mentally incapacitates the victim; and
  - when the actor provides therapy, medical treatment or examination of the victim in the course of a therapeutic relationship under certain circumstances. See NH RSA 632-A:2.
1. **Felonious Sexual Assault** (a Class B felony punishable by up to 7 years imprisonment), includes, in part, “sexual contact,” (intentional touching, reasonably construed as being for purposes of sexual arousal or gratification) when the accused:
    - causes serious personal injury to the victim;
    - engages in sexual penetration with a person who is between the ages of 13 and 16, where the age difference four years or more;
    - engages in sexual contact with a person under the age of 13; and
    - engages in sexual contact with a person when the actor is in a position of authority over the person and uses that authority to coerce the victim. See NH RSA 632-A:3.
  2. **Sexual Assault** (a Class A misdemeanor punishable by a fine of \$2000 and up to one year imprisonment), includes, in part, “sexual contact” (intentional touching, reasonably construed as being for the purposes of sexual arousal or gratification) with a person 13 years of age or older under the circumstances described regarding aggravated felonious sexual assault, and/or engages in sexual penetration with a person between the ages of 13 and 16 where the age difference between the actor and the other person is three years or less. See NH RSA 623-A:4.

**Sexual Exploitation** An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of one's own or another's sexual gratification, financial gain, personal benefit, or advantage or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship, and/or may involve individuals not known to one another. Examples include, but are not limited to:

- a. Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved, or disrobing of another without permission;

- b. Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- c. Prostituting another individual or aiding in or facilitating the sexual assault of another;
- d. Knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge; and
- e. Inducing incapacitation for the purpose of making another person vulnerable to nonconsensual sexual activity

**\*Domestic Violence:**

A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the complainant; (b) by an individual with whom the complainant shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the as a complainant spouse or intimate partner; (d) by an individual similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred; (e) by any other individual against an adult or youth complainant who is protected from that individual's acts under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred.

It may include, but is not limited to: Physical violence; Verbal, emotional; mental/psychological, and/or economic abuse; Threats, pushing, punching, slapping, strangulation, shouting and/or name-calling; Harming or threatening to harm children or pets, and other violent or intimidating behaviors

New Hampshire RSA 173-B:1 defines Domestic Violence as a commission or attempted commission of one or more of the acts described in subparagraphs (a) through (g) by a family or household member or by a current or former sexual or intimate partner, where such conduct is determined to constitute a credible present threat to the petitioner's safety. The court may consider evidence of such acts, regardless of their proximity in time to the filing of the petition, which, in combination with recent conduct, reflects an ongoing pattern of behavior, which reasonably causes or has caused the petitioner to fear for his or her safety or well-being:

- a. Assault or reckless conduct as defined in RSA 631:1 through RSA 631:3
- b. Criminal threatening as defined in RSA 631:4
- c. Sexual assault as defined in RSA 632-A:2 through RSA 632-A:5
- d. Interference with freedom as defined in RSA 633:1 through RSA 633:3-a
- e. Destruction of property as defined in RSA 634:1 and RSA 634:2
- f. Unauthorized entry as defined in RSA 635:1 and RSA 635:2
- g. Harassment as defined in RSA 644:4

**\*Dating Violence:**

Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the reporting individual's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This includes, but is not limited to, sexual or physical abuse or the



threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

\*For purposes of this policy, an intimate partner is defined as an individual with whom one has or had a short- or long-term relationship that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships can occur between individuals of the same gender or different genders and may include (but are not limited to) marriages, civil unions, dating relationships, “hook-up” relationships, relationships in which partners are characterized as “girlfriends” or “boyfriends,” and relationships between individuals with a child in common.

**Stalking:**

Engaging in a course of conduct directed at a specific individual that would cause a reasonable person to: (a) fear for the individual’s safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of the Stalking definition: Course of conduct means two or more acts, including acts in which the stalker directly, indirectly, or through third parties, by any action, method observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual’s property. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the complainant. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

New Hampshire RSA 633:3 states a person commits the offense of stalking if such person:

1. purposely, knowingly, or recklessly engages in a course of conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal safety or the safety of a member of that person's immediate family, and the person is actually placed in such fear
2. engages in a course of conduct targeted at a specific individual, which the actor knows will place that individual in fear for his or her personal safety or the safety of a member of that individual's immediate family
3. or after being served with, or otherwise provided notice of, a protective order that prohibits contact with a specific individual, engages in a single act of conduct that both violates the provisions of the order.

“Course of conduct” means two or more acts over a period of time, however short, which evidences a continuity of purpose. Such conduct includes:

1. Threatening the safety of the targeted person or an immediate family member
2. Following, approaching, or confronting that person or a member of that person's immediate family
3. Appearing in close proximity to or entering the person's residence, place of employment, school, or other place where the person can be found, or the residence, place of employment, or school of a member of that person's immediate family
4. Causing damage to the person's residence or property or that of a member of the person's immediate family
5. Placing an object on the person's property, either directly or through a third person, or that of an immediate family member

6. Causing injury to that person's pet or to a pet belonging to a member of that person's immediate family
7. Any act of communication as defined in RSA 644:4, II

"Immediate family" means father, mother, stepparent, child, stepchild, sibling, spouse, or grandparent of the targeted person, any person residing in the household of the targeted person, or any person involved in an intimate relationship with the targeted person.

**Retaliation:**

No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy or because an individual has made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. The college retains the right to charge an individual for making a materially false statement in bad faith during the course of an investigation, proceeding, or hearing under this policy, but will not conclude that any individual has made a materially false statement in bad faith solely based on the determination regarding responsibility.

Depending on the circumstances referenced above, retaliatory acts may include (but are not limited to):

- Adverse employment action;
- Adverse action relating to participation in an educational or working program;
- Unreasonably interfering with the academic or professional career of another individual;
- Engaging in conduct which constitutes stalking, harassment, or assault;
- Engaging in efforts to have others engage in retaliatory behavior on one's behalf.

Complaints alleging retaliation under this policy, including for the exercise of rights under this policy, must be filed in accordance with this policy and will be addressed promptly and equitably. Where the individual allegedly retaliating is not affiliated with the college and not otherwise subject to its policies, the college will process the complaint and take appropriate measures.

Notwithstanding the above, an individual accountable for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

*There are numerous terms used by Colby-Sawyer College in our policy and procedures. Please keep in mind that when referring to state law the following is a partial review of the statutes in New Hampshire. It is intended only for purposes of information and guidance, does not cover all acts that may constitute criminal behavior or all parts of the crime statutes, and should not be construed as legal advice. To review the State of New Hampshire Revised Statutes Online, go to <http://www.gencourt.state.nh.us/rsa/html/indexes/default.html>.*

### **Options for Complainants, Respondents, and Other Reporting Individuals**

A complainant, respondent, or witness has many options, including counseling and support services. Information regarding contact information for local law enforcement as well as contact information for confidential resources and CRAs that are available to provide support to parties and witnesses are described in further detail in Sexual Misconduct & Sex-based Discrimination Policy and Grievance Procedures, Appendix A at,

[https://www.csctitleix.com/files/ugd/53d6a9\\_7efab0945ef0434eb0704446a1aaec57.pdf](https://www.csctitleix.com/files/ugd/53d6a9_7efab0945ef0434eb0704446a1aaec57.pdf)

After consulting a Confidential Resource as appropriate, a complainant may:

- i. Request supportive measures from the college Title IX Coordinator;
- ii. File a formal complaint with the college Title IX Coordinator, thereby invoking the college's internal grievance process;
- iii. Contact the Department of Campus Safety for assistance in filing a criminal complaint and preserving physical evidence; and/or
- iv. Contact local law enforcement to file a criminal complaint. At the complainant's request, the college will assist the complainant in contacting local law enforcement and will cooperate with law enforcement agencies if a complainant decides to pursue a criminal process.

An individual may pursue some or all of these steps at the same time. When initiating any of the above, an individual does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during this decision-making process, complainants and other reporting individuals are encouraged to consult a Confidential Resource

#### **1. Anonymous Reporting**

If a reporting individual makes an anonymous report, the college's Title IX Coordinator will consider how to proceed, taking into account the individual's articulated concerns; the best interests of the college community; fair treatment of all individuals involved; and the college's obligations under Title IX.

A complainant cannot file a formal complaint anonymously.

Any individual may make an anonymous report concerning a violation of this policy through the college's [Sexual Misconduct Report Form](#). Anonymous reports may be made by downloading the Sexual Misconduct Report Form, printing out the form and completing and returning it to the Director of Campus Safety. Completing a Sexual Misconduct Report Form report can be made without disclosing the reporting individual's own name, identifying the respondent, or requesting any action. However, if the reporter provides limited information, the college may be limited in its ability to take action. Completing a Sexual Misconduct Report Form is not a Confidential Resource and making a report to a sexual misconduct report form may result in a college review or investigation. Anonymous reporting does not satisfy employees' reporting obligations as in the Sexual Misconduct & Sex-based Discrimination Policy and Grievance Procedures, Part VI.1. 2.

### **Timeliness of Report**

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the college's ability to respond promptly and effectively. Reports and formal complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the respondent is no longer a student or employee at the time of the report or formal complaint, the college may not be in a position to gather evidence sufficient to reach a determination as to the formal complaint and/or the college may not be able to take disciplinary action against the respondent. However, the college will still seek to provide support for the complainant and seek to take steps to end the prohibited behavior, prevent its recurrence, and address its effects.

### **Amnesty**

In order to encourage reports of conduct that is prohibited under this policy, the college may offer leniency with respect to other violations which may come to light as a result of such reports, depending on the circumstances involved.

### **Supportive Measures for Complainants and Respondents**

Upon receipt of a report or complaint of a violation of this policy, the college, through the college Title IX Coordinator and/or designee, will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The college will also consider supportive measures, as appropriate and reasonably available, for the respondent.

These supportive measures are designed to restore or preserve equal access to the college's educational and working programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the broader college community, or deter sexual misconduct and sex-based discrimination. While a supportive measure may impose some restrictions on a party, it will not unreasonably burden them. The college may provide supportive measures to the complainant or respondent, as appropriate, as reasonably available, and will do so without fee or charge, regardless of whether the complainant seeks formal disciplinary action. Once supportive measures are approved, the parties or affected individuals will be notified in writing of the supportive measures. The college will maintain any supportive measures provided to the complainant or respondent as confidential to the extent possible.

Supportive measures may include:

- counseling;
- extensions of deadlines or other course-related adjustments;
- modifications of work or class schedules;
- campus escort services;
- mutual restrictions on contact between the parties;

- changes in work or housing locations;
- leaves of absence;
- increased security and monitoring of certain areas of the campus; and/or
- any other measure that can be used to achieve the goals of this policy.

Requests for supportive measures may be made by or on behalf of the complainant or respondent to any college official, including the college Title IX Coordinator. The college Title IX Coordinator is responsible for ensuring the implementation of supportive measures and coordinating the college's response with the appropriate offices on campus.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by a supportive measure. The college will take immediate action to enforce a previously implemented measure and disciplinary sanctions can be imposed for failing to abide by a college-imposed measure.

### **Procedures for Reporting Sexual Assault, Dating/Domestic Violence, Dating Violence, and Stalking**

The college has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at the nearest hospital. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In New Hampshire, evidence may be collected even if you chose not to make a report to law enforcement. It is important to seek immediate and follow-up medical attention for several reasons:

- a. To assess and treat any physical injuries you may have sustained
- b. To determine the risk of sexually transmitted diseases or pregnancy and take preventive measures
- c. To gather evidence that could aid criminal prosecution. Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected later than this, but the quality and quantity of the evidence may be diminished.

The exam can be conducted without the involvement of law enforcement personnel. Even if you have not been physically hurt, this forensic exam is strongly recommended to maintain all your legal options. After the evidence is collected, it can be stored in case you wish to press criminal charges. The exam is performed by an emergency department physician or gynecologist. A nurse is present throughout the procedure, and a support person of your choice can also be present. Students can receive the exam for free by going to New London Hospital or any other Hospital of their choosing. These locations follow the national standards for victim care, rape exams, and

evidence collection procedures. *Note: Ordinarily the police will be contacted by Hospital personnel whenever they provide treatment for injuries resulting from a crime. If you seek treatment at a local hospital and the police are contacted, this does not mean that you have to proceed with criminal charges. In addition, it is recommended that a survivor use a hospital in the county/state where the incident occurred.*

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to college hearing boards/investigators or police. Although the college strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The Department of Campus Safety (603) 526-3675 will assist any victim with notifying local police if they so desire. New London Police Department may also be reached directly by calling 603-526-2626 (non-emergency), in person at 25 Seamans Rd., New London, NH. Additional information about the New London Police Department may be found online at: <http://newlondonpd.us>

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Safety or the New London Police to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the college, the following are the procedures that Colby-Sawyer College will follow as well as a statement of the standard of evidence that will be used during any student conduct hearing on campus arising from such a report can be found in the Sexual Misconduct & Sex-based Discrimination Policy and Grievance Procedures at: [https://www.csctitleix.com/files/ugd/4293dd\\_d8122588368e4dff97c5e97de2a121bb.pdf](https://www.csctitleix.com/files/ugd/4293dd_d8122588368e4dff97c5e97de2a121bb.pdf)

**Grievance Procedures for Students, Faculty, and Staff Sexual Misconduct and Sex-based Discrimination Complaints**, see Part IX of the Sexual Misconduct & Sex-based Discrimination Policy and Grievance Procedures at: [https://www.csctitleix.com/files/ugd/4293dd\\_d8122588368e4dff97c5e97de2a121bb.pdf](https://www.csctitleix.com/files/ugd/4293dd_d8122588368e4dff97c5e97de2a121bb.pdf)

### **Assessment and Dismissal of Formal Complaints**

Upon receipt of a formal complaint, the college's Title IX Coordinator will respond to any immediate health or safety concerns raised. The college's Title IX Coordinator will then conduct an initial assessment for the sole purpose of determining whether the alleged conduct, if substantiated, would constitute prohibited conduct under this policy. The college will seek to complete this initial assessment within ten (10) business days of receipt of the formal complaint. Following the initial assessment, the college Title IX Coordinator may take any of the following actions:

- If the allegations forming the basis of the formal complaint would, if substantiated, constitute prohibited conduct as defined in this policy, the college's Title IX Coordinator shall implement appropriate supportive measures. In addition, the college's Title IX Coordinator shall initiate an investigation of the allegations under this policy in a formal complaint, as described in Part X.6.
- If the allegations forming the basis of the formal complaint would not, if substantiated, constitute prohibited conduct as defined in this policy, the college's Title IX Coordinator shall dismiss the formal complaint from the Sexual Misconduct and Sex-based Discrimination Grievance Process (and either party may appeal this dismissal, as discussed below).

In addition, at any time prior to the hearing, the college may dismiss a formal complaint if:

- The complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by the college; or
- Specific circumstances prevent the college from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.
- Upon dismissal, the college shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties via electronic format. Both parties will have equal right to appeal the dismissal through the appeal process described in Part XI.

The determination regarding dismissal becomes final either on the date that the parties are provided with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Once final, a complainant cannot file a formal complaint under this policy concerning the same alleged conduct.

**Consolidation** The college Title IX Coordinator has the discretion to consolidate multiple formal complaints as to allegations of sexual misconduct or sex-based discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct or sex-based discrimination arise out of the same facts or circumstances.

### **Confidentiality, Privacy, and Related Responsibilities**

Issues of privacy and confidentiality play important roles in this policy, and may affect individuals differently. Privacy and confidentiality are related but distinct terms that are defined below.

In some circumstances, the reporting responsibilities of college employees, or the college's responsibility to investigate, may conflict with the preferences of the complainant and/or respondent with regard to privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities, and make use of Confidential Resources, if applicable, in determining their preferred course of action.



Requests for confidentiality or use of anonymous reporting may limit the college's ability to conduct an investigation.

### **Confidentiality and Confidential Resources**

The term "confidentiality" refers to the circumstances under which information will or will not be disclosed to others.

Several campus professionals are designated Confidential Resources, to whom confidentiality attaches. Confidential Resources are not obligated to report information that is provided to them. This allows individuals to explore their options in a non-pressured environment while they make informed decisions. There may be exceptions in cases involving child abuse, imminent risk of serious harm, emergent hospitalization, or a court order. In addition, non-identifying information about violations of the college's Title IX Sexual Harassment Policy may be submitted to the Department of Campus Safety for purposes of the anonymous statistical reporting under the Clery Act.

An individual who is not prepared to make a report or formal complaint, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact a Confidential Resource.

In particular, any individual who may have been subjected to a violation of this policy, or who is considering making a report or formal complaint under this policy, is encouraged to contact the Department of Baird Health and Counseling Center (BHCC).

In light of the college's obligation to respond promptly and effectively to individuals alleged to be victimized by Title IX Sexual Harassment, college employees who are not designated Confidential Resources are required to notify the college Title IX Coordinator of suspected violations of this policy, and cannot guarantee the confidentiality of a report under this policy.

### **Campus Resources, Confidential Resources and Law Enforcement**

#### **Campus Resources**

- **Title IX Coordinator**
  - [Robin Burroughs Davis](#) - Vice President of Student Development and Dean of Students: Ware Student Center, room 105, Phone: (603) 526-3752
- **Title IX Deputy Coordinator**
  - [Heather Zahn](#) (staff, administration and visitors) – Colgate Hall, room 230A, Phone: (603) 526-3584
- **Student Development Office** - Phone: (603) 526-3758 - Address: 541 Main Street, New London, NH, 03257

For inquiries with academic concerns, changes in housing or other accommodations and referrals to other resources.

- **Area Coordinators (AC's):** Area Coordinators are live-in professionals who play a critical role in the lives of students in the residence halls. The AC is a member of

the Student Development team who reports directly to the Director of Residential Education.

- Resident Assistants (RA's): RAs are undergraduate students living in the residence halls who are employed by Residential Education and trained to refer students to campus resources.

### **Confidentiality and Confidential Resources**

The term “confidentiality” refers to the circumstances under which information will or will not be disclosed to others.

Several campus professionals are designated Confidential Resources, to whom confidentiality attaches. Confidential Resources are not obligated to report information that is provided to them. This allows individuals to explore their options in a non-pressured environment while they make informed decisions. There may be exceptions in cases involving child abuse, imminent risk of serious harm, emergent hospitalization, or a court order. In addition, non-identifying information about violations of the college's Title IX Sexual Harassment Policy may be submitted to the Department of Campus Safety for purposes of the anonymous statistical reporting under the Clery Act.

An individual who is not prepared to make a report or formal complaint, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact a Confidential Resource.

In particular, any student who may have been subjected to a violation of this policy, or who is considering making a report or formal complaint under this policy, is encouraged to contact the Department of Baird Health and Counseling Center (BHCC). For employees, contact the Employee Assistance Plan at (855)775-3457 the Crisis Center of Central New Hampshire at (603)225-7376.

### **Confidential Resources**

Information shared with Confidential Resources (including information about whether an individual has received services) will be disclosed to the college Title IX Coordinator or any other individual only with the individual's express written permission, unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor).

### **Campus Confidential Resources include:**

#### **For Students:**

- **On-Campus: Baird Health & Counseling Center during regular business/office hours (9AM-3PM) - (603) 526-3621**
- **Riverbend Counselors (after regular business/office hours) – 1-844-743-5748 or by contacting Campus Safety at (603)526-3300**
- **Off Campus: Crisis Center of Central New Hampshire - (603) 225-7376**

The CCNH provides confidential crisis support 24 hours a day relating to rape, sexual assault, or dating and domestic violence via its 24-Hour Crisis Line: (866) 841-6229

- **Off Campus: New London Hospital** – (603) 526-2911 and is located at 273 County Rd., New London, NH 03257; New London Hospital provides 24-hour emergency care and is located a mile and a half from campus.

**For Employees:**

- **Employee Assistance Plan** - (888) 209-7840
- **Crisis Center of Central New Hampshire** - (603)225-7376

The CCNH provides confidential crisis support 24 hours a day relating to rape or sexual assault via its 24-Hour Crisis Line: (866) 841-6229

- **New London Hospital** – (603) 526-2911

New London Hospital provides 24-hour emergency care and is located a mile and a half from campus.

**For Colby-Sawyer Visitors:**

- **Crisis Center of Central New Hampshire** - (603)225-7376 - The CCNH provides confidential crisis support 24 hours a day relating to rape or sexual assault via its 24-Hour Crisis Line: (866) 841-6229
- **New London Hospital** – (603) 526-2911

**Campus Safety and Law Enforcement**

A crime that occurs off campus should be reported to the police department having legal jurisdiction. Campus Safety is here to assist you in the event you are unsure of the appropriate police department to contact. Call 603-526-3675 or, in case of an emergency, call 9-1-1. While CSC does not operate any off-campus student organization facilities, the college does own residences in close proximity to campus. While the New London Police Department has primary jurisdiction in all areas off campus, Campus Safety Officers respond to student-related incidents that occur on property owned and leased by the college. For more information about filing a criminal complaint with law enforcement, please contact:

**Department of Campus Safety:**

24/7/365: (603) 526-3300

Administrative: (603) 526-3675

**New London Police Department:**

Emergency: 9-1-1

Non-Emergency: (603) 526-2626

**Confidentiality Rights of Complainants and Respondents**

While complainants, respondents, and witnesses involved in the grievance process under this policy are strongly encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation, complainants and respondents are not restricted from discussing the allegations under investigation.

Medical, psychological, and similar treatment records are privileged and confidential documents that cannot be accessed or used for a grievance process under this policy without the relevant party's voluntary, written consent.

### **Privacy**

The term "privacy" refers to the discretion that will be exercised by the college in the course of any investigation or grievance processes under this policy.

In all proceedings under this policy, the college will take into consideration the privacy of the parties to the extent possible.

In cases involving students, the college Title IX Coordinator may notify residential college staff, and/or other college employees of the existence of the report and/or formal complaint for the purpose of overseeing compliance with this policy and addressing any concerns. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

In accordance with federal regulations, the college will keep confidential the identity of any individual who has made a report or formal complaint under this policy, including any complainant, any individual who has been reported to be the perpetrator, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of conducting any investigation or hearing under this policy.

Any additional disclosure by the college of information related to the report or formal complaint may be made if consistent with FERPA or the Title IX requirements.

### **Release of Information and Timely Warnings**

If the college becomes aware of a serious and continuing threat to the campus community, the college may issue a timely warning in accordance with federal regulation to protect the health or safety of the community. The Department of Campus Safety may also publish a reported incident in the daily crime log or annual security report. In addition, the college may also share non-identifying information, including data about outcomes and sanctions, in aggregate form. The college will not disclose the name or other personally identifiable information of the complainant unless it has received the express consent of the complainant or unless the release of such information is consistent with legal requirements or mandated by law.

### **Interim Action**

#### **Emergency Removal**

In connection with this policy, whether or not a grievance process is underway, the college may summarily remove an individual from an education program or activity on an emergency basis, after undertaking an individualized safety and risk analysis, and upon the determination that the individual poses an immediate threat to the physical health or safety of any student or other individual (including themselves, the respondent, the complainant, or any other individual). In these situations, the college will provide the individual with notice and an opportunity to challenge the decision immediately following the removal.

Respondents wishing to challenge an Emergency Removal must submit a written appeal of such decision within five business days. Grounds for appeal include the following:

- procedural irregularity that affected the outcome;
- new evidence that was not readily available when the decision regarding an emergency removal was made that could affect the outcome; and
- a college official involved in the decision-making process regarding the emergency removal had a general or specific conflict of interest or bias that impacted the decision to issue an emergency removal.

A decision-maker(s), who was not the original decision-maker, will provide a decision to the respondent within five (5) business days of receiving the appeal. If the appeal is denied, the emergency removal may remain in effect through the conclusion of the grievance process, including the appeal process.

### **Administrative Leave**

If it deems it appropriate to do so, the college may place an employee Respondent, including student employees, on administrative leave prior to or during the pendency of a college grievance process set forth in this policy. Typically, those placed on administrative leave will continue to receive pay and benefits. Additionally, administrative leave is not indefinite and will be provided updates regarding their status.

### **Grievance Procedures for Students, Faculty, and Staff Sexual Misconduct and Sex-based Discrimination Complaints, In General**

The college is committed to providing a prompt and impartial investigation and adjudication of all formal complaints alleging violations of this policy. During the grievance process, both parties (complainant and respondent) have equal rights to participate.

#### **1. Conflict of Interest**

“**Conflict of interest**” refers to persons who will be prohibited from serving as a hearing officer or board member if a reasonable person could conclude that the person’s involvement would likely constitute a conflict of interest by compromising any portion of the investigatory process, review process, and/or any decision process. Some examples that would create a conflict of interest are, but are not limited to; (1) he/she/they has personal knowledge about the facts that are going to be considered as evidence throughout any portion of the process; (2) he/she/they has served as a support person to the reporting third party, the complainant, and/or the respondent in connection with the alleged policy violation; (3) he/she/they or a member of his/her/their immediate family has an interest (financial or otherwise) in the outcome of the case in question; and/or (4) an objective and reasonable person would question his/her/their impartiality or bias.

A party who has concerns that one or more of the individuals performing one of the aforementioned roles has conflicting interest or is biased must report those concerns to the college’s Title IX Coordinator within **48 hours** of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The college

Title IX Coordinator will assess the allegations of conflict or bias to determine whether or not the identified individual(s) can fulfill their duties in an impartial way. In the event the Title IX Coordinator makes such determination, the person in question will be replaced with another person to carry out the function(s). The Title IX Coordinator decision will be final. The college reserves the right to select an impartial investigator, reviewer, or decision maker from outside the college in the event no one from within the institution is comfortable or able to serve in such role.

**2. Responsibility to Review Reports and Formal Complaints**

In order to protect the safety of the campus community, the college Title IX Coordinator may review reports of violations of this policy even absent the filing of a formal complaint, or under certain circumstances even if a formal complaint has been withdrawn. The college Title IX Coordinator may need to themselves file a formal complaint and proceed with an investigation even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the college Title IX Coordinator will consider the complainant's articulated concerns, the best interests of the college community, fair treatment of all individuals involved, and the college's obligations under Title IX.

This policy differs from New Hampshire criminal law. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

**3. Presumption of Good Faith Reporting**

The college presumes that reports of prohibited conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of this policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.

**4. Presumption of Non-Responsibility**

The respondent is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.

**5. Honesty and Cooperation during Grievance Process**

The college expects all members of the college community to be honest and cooperative in their official dealings with the college under this policy. In this regard, individuals are expected to acknowledge requests from college officials for information in a timely fashion and to make themselves available for meetings with college officials or any officials acting on behalf of the college; any student or member of the faculty or staff who fails to do so may be subject to discipline. However, parties and witnesses may choose not to attend the hearing or may choose not to participate in cross examination at the hearing.

Should a respondent who has been notified of an investigation decline to participate, the investigation may proceed, a hearing may be held, a finding may be reached, and a sanction may be imposed based on the information available. Similarly, complainants

cannot be compelled to participate in an investigation, including when a formal complaint is filed by the Title IX Coordinator. The college will not, however, draw any inference about the determination of responsibility based on a party or witness absence from this process.

**6. Prior Sexual Behavior**

The complainant's predisposition or prior sexual behavior are not relevant and will not be used during the grievance process, unless offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

**7. Investigation of Allegations of Violations of Other College Policies**

When an initial assessment or investigation under this policy identifies additional related possible violations of college policies (including for students the Code of Community Responsibility and for employee's the Employee Handbook)) by the same party(ies) that would normally be handled by another office, the college Title IX Coordinator, may direct investigators under this policy to investigate such other possible violations at the same time that they investigate the allegations covered by this policy. Under such circumstances, the parties will be provided with written notice containing the following information: (a) the alleged prohibited conduct, and (b) the policy(ies) under which alleged prohibited conduct falls.

**8. Procedures Where One Party Is a Member of the College Community and the Other Party is a Non-Member of the College Community**

When a third party, (i.e., a non-member of our college community, which could include, for example, alumni) is a party under this policy, the college will use disciplinary procedures that are generally consistent with the disciplinary procedures described in this policy, appropriately modified based on the particular circumstances of the case, considering privacy requirements and the like. In no case will a member of our community (i.e., current student, faculty member, or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the college community.

The respondent and complainant and their advisors will simultaneously be provided with the written determination via electronic format.

**Grievance Procedures for Sexual Misconduct and Sex-based Discrimination  
Complaints, Steps**

**1. Filing of a Formal Complaint**

To initiate formal resolution process, a complainant must file a formal complaint. A formal complaint means a written statement filed by a complainant or signed by the Title IX Coordinator alleging prohibited conduct against a respondent and requesting resolution of the alleged behavior. A formal complaint may be completed by the complainant in person or submitted by email, mail or by phone to the Title IX Coordinator.



If the complainant does not wish to proceed with a formal complaint, the college will respect the complainant's autonomy and wishes to the extent possible. The complainant will be able to access supportive measures. In limited circumstances, the Title IX Coordinator may sign a formal complaint and move forward with a formal grievance process. These cases include, but are not limited to, the following:

- actual knowledge of a pattern of alleged prohibited conduct by a respondent in a position of authority;
- the Title IX Coordinator receives multiple reports of prohibited conduct and sex-discrimination against the same respondent;
- a pattern of alleged conduct and the involvement of violence, weapons, and similar factors in the complainant's allegations;
- the seriousness of the alleged harassment; and
- the age of the student who was allegedly harassed.

In cases in which the Title IX coordinator signs a formal complaint, the Title IX Coordinator will not serve as a party within the grievance process. Additionally, the complainant cannot be required to participate in the grievance procedure and does not need to appear at a live hearing or submit cross-examination.

## **2. Notification and Rights and Options**

If a formal complaint is not filed, the Complainant will be provided an explanation of their rights and options which includes the following:

- the importance of obtaining and preserving forensic and other evidence;
- the right to report or not report the alleged incident to the college, law enforcement or both, including information about the complainant's right to privacy and which reporting methods are confidential;
- the right to request and receive assistance from campus authorities in notifying law enforcement;
- the right to request and receive assistance in obtaining and enforcing a campus-issued order of protection or no contact order.
- the right to speak to and receive assistance from on and off campus confidential resources and other organizations that provide support and services to complainants
- the right to assistance from the college in accessing and navigating campus and local health and mental health services, counseling, and advocacy services.
- the right to supportive measures with or without the filing of a formal complaint and that the college will consider the complainant's wishes with respect to available supportive measures including without limitation changes to academic, living, dining, working, and transportation situations;
- the right to request a formal process if cause is found to proceed under this policy and a summary of the appropriate complaint resolution procedures;
- contact information for all of the people and organizations listed herein;
- the right to request an end to the process except as set forth in this policy.

If a formal complaint is filed, the parties will receive written notice from the Title IX

Coordinator of the allegations of prohibited conduct, including sufficient details known at the time with sufficient time to prepare before any initial meeting or interview.

Additionally, the complainant and respondent will be provided an explanation of their rights and options which includes the following:

- The right for complainants and respondents to be treated equitably by the college which includes providing remedies to a complainant where a determination of responsibility for prohibited conduct has been made against the respondent, and by following a grievance process that complies with this policy;
- The right to a fair, impartial, proceeding that begins promptly and is completed within reasonably prompt timeframes;
- The right to a resolution process that is consistent with the college's policies, transparent to the complainant and respondent, and in which the burden of proof and of gathering evidence rests with the college and not the parties;
- The right to an advisor of the party's choosing during the grievance process. If a party does not have an advisor present at a Title IX related hearing, the college will provide without fee or charge, an advisor of the college's choice;
- For Non-Title IX cases, the parties will have a right to a support person. A support person is a member of the college community who is chosen by the complainant (and/or respondent). This person may accompany the complainant or respondent to support the student during the hearing process.
- The right to reasonable accommodations during any hearing, such as not being in the same room as the other party;
- The right to an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations will not be based on a person's status as a complainant, respondent, or witness;
- The right to a determination regarding responsibility made at the conclusion of the resolution process and that the college makes no prior presumption of responsibility regarding the respondent prior to a finding;
- The right not to be retaliated against for filing a complaint and/or for participating in a formal resolution process

### **3. Assessment and Dismissal of Formal Complaints**

Upon receipt of a formal complaint, the college's Title IX coordinator will respond to any immediate health or safety concerns raised. The college's Title IX coordinator will then conduct an initial assessment for the sole purpose of determining whether the alleged conduct, if substantiated, would constitute prohibited conduct under this policy. The college will seek to complete this initial assessment within ten (10) business days of receipt of the formal complaint. Following the initial assessment, the college Title IX coordinator may take any of the following actions:

- If the allegations forming the basis of the formal complaint would, if substantiated, constitute prohibited conduct as defined in this policy, the college's Title IX coordinator shall implement appropriate supportive measures. In addition, the college's Title IX coordinator shall initiate an investigation of the allegations under this policy in a formal complaint, as described in Part X.6.

- If the allegations forming the basis of the formal complaint would not, if substantiated, constitute prohibited conduct as defined in this policy, the college's Title IX coordinator shall dismiss the formal complaint from the sexual misconduct and sex-based discrimination grievance process (and either party may appeal this dismissal, as discussed below).

In addition, at any time prior to the hearing, the college may dismiss a formal complaint if:

- the complainant notifies the Title IX coordinator in writing that the complainant wishes to withdraw the formal complaint or any allegations therein;
- the respondent is no longer enrolled or employed by the college; or
- specific circumstances prevent the college from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.

Upon dismissal, the college shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties via electronic format. Both parties will have equal right to appeal the dismissal through the appeal process described in Part XI.

The determination regarding dismissal becomes final either on the date that the parties are provided with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Once final, a complainant cannot file a formal complaint under this policy concerning the same alleged conduct.

#### **4. Consolidation**

The college Title IX coordinator has the discretion to consolidate multiple formal complaints as to allegations of sexual misconduct or sex-based discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct or sex-based discrimination arise out of the same facts or circumstances.

#### **5. Notice of Allegations**

Notice of Investigation

Following the receipt and review of the formal complaint by the college Title IX coordinator, and it being determined that the matter properly falls under this Title IX Sexual Harassment policy, the parties will be informed in writing of the initiation of the investigation. The written information shall include:

- the identities of the parties, if known;
- a concise summary of the alleged conduct at issue (including when and where it occurred, if known);
- notice of the allegations potentially constituting Title IX sexual harassment;
- a statement that the respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process;
- a statement informing the parties that they may have an advisor of their choice,

- who may be, but is not required to be, an attorney;
- a statement informing the parties that they may request to inspect and review evidence;
- a statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of college policy; and
- information regarding the applicable grievance procedures.

If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this policy, the respondent and complainant will be informed in writing that such additional information will be included in the grievance process.

## **6. Investigation and Formal Resolution**

### **A. Timing**

The college will seek to complete the investigation and adjudication within ninety (90) business days after the investigators' first interview of the complainant. When possible, investigations will proceed according to the aforementioned timeframe during the summer and at other times when the college is not in session. Timeframes for all phases of the grievance process, including the investigation, the hearing, and any related appeal, apply equally to both parties.

There may be circumstances that require the extension of time frames for good cause (e.g. the college is not in session). Time frames may be extended to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement, accommodate the absence of a party, advisor, or witness, or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The college will notify the parties in writing of any extension of the time frames for good cause, and the reason for the extension.

In accordance with college policy, the college will review requests for language assistance and accommodation of disabilities throughout the investigation and adjudication process.

Although cooperation with law enforcement may require the college to temporarily suspend the fact-finding aspect of an investigation, under such circumstances, the college will promptly resume its investigation as soon as it college is notified by the law enforcement agency that the agency has completed the evidence gathering process. The college will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide supportive measures for the complainant or respondent.

Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

## **B. Investigation**

If the college Title IX Coordinator has determined, following an initial assessment, that an investigation is appropriate, the college Title IX Coordinator will refer the matter for investigation.

### **i. Collection of Evidence**

The investigators will collect information from each party. While the complainant and the respondent are not restricted from gathering and presenting relevant evidence, the investigators are responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given an equal opportunity to suggest witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and suggest questions to be posed to the other party or witnesses.

Parties and witnesses are expected to provide all available relevant evidence to the investigators during the investigation. If a party or witness fails to provide available relevant evidence during the investigation, such evidence may, at the discretion of the presiding Hearing Board members be excluded from consideration at the hearing. While parties are not restricted from presenting information attesting to the parties' character, such evidence generally is not considered relevant.

The investigators will provide to a party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time (generally no less than three (3) business days, absent exigent circumstances) for the party to prepare to participate.

Parties will be interviewed separately and will be interviewed by investigators. The investigators will interview witnesses. The investigators will record all interviews, or notes of the interviews will be taken by the investigators. Any other recording of interviews is prohibited and violations may result in discipline.

In general, a party's medical and counseling records are confidential. The investigators will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the investigators obtain that party's voluntary, written consent to do so.

The investigators will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g. attorney-client, doctor-patient), unless the individual holding such privilege has waived the privilege.

ii. Case File

After each party has been interviewed and had the opportunity to identify witnesses and other potentially relevant information and evidence, and the investigators have completed any witness interviews and any gathering of evidence, the investigators will prepare a case file. The case file will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the college does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation. The case file may include, as applicable, transcripts or summaries of party and witness interviews and other collected documents and evidence. The investigators will provide the case file to the college Title IX Coordinator.

The college Title IX Coordinator will review and redact personally identifiable information in accordance with privacy regulations, then disseminate the case file to each party and their advisor in electronic form or hard copy. In all cases, any information relied on in adjudicating the matter will be provided to the parties and their advisors. The college Title IX Coordinator will also update and disseminate the Notice of the Allegations, as appropriate.

Within ten (10) business days of receiving the case file, each party may respond in writing, which may include a request that the investigators collect additional evidence. If the investigators believe that further information is needed following receipt of any responses from the parties, the investigators will pursue any additional investigative steps as needed. The parties and their advisors will be provided with each party's written responses to the case file, if any, as well as any additional information collected by the investigators, in electronic format or hard copy.

iii. Investigation Report

Following their review of the parties' responses (if any) to the case file, the investigators will create a written investigative report that covers relevant evidence; the report will not contain irrelevant information.

At least ten (10) business days prior to the hearing, the college's Title IX Coordinator will provide to the parties and their advisors the final copy of the investigative report via electronic format.

iv. Assignment to Non-Title IX Related or Title IX Related Hearing Procedure

At the conclusion of the investigation, if the college has not previously determined that the case meets the threshold for the Title IX grievance procedure, the Title IX Coordinator will make a final determination as to whether to proceed under the Title IX Grievance Procedure or the college's institutionally established grievance procedures.

### **Title IX Hearing**

The Title IX Sexual Harassment Hearing Board will review the information and make a determination of responsibility or no responsibility by a preponderance of the evidence that means more likely than not, based on the all of the relevant evidence and reasonable inference from the evidence that the respondent did or did not violate this policy. Should the Title IX Sexual Harassment Hearing Board determine the respondent is responsible for the alleged violation, it will then determine an appropriate sanction.

**Title IX Sexual Harassment Board (“the Hearing Board”):** Composition of a Title IX Sexual Harassment Hearing Board shall consist of no less than three (3) members, and it shall be drawn from a pool of faculty and staff who are annually trained in the area of Title IX Sexual Harassment and the college’s sexual misconduct policies and procedures. Typically, the Hearing Boards will be referred cases of alleged Title IX Sexual Harassment conduct violations that could result in sanctioning from warning, probationary status, housing contract revocation/visitation revocation, suspension or dismissal for findings of responsibility. The Hearing Board will have absolute discretion with respect to administering the hearing. The Hearing Board will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted.

**The Chair:** Each Hearing Board will have one member assigned to serve as the Chair for the hearing. The Chair will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or advisor.

Prior to the hearing, the Hearing Board will be provided with the case file, investigative report, and any responses to the investigative report. All members of the Hearing Board shall review the case file (including the parties’ responses), ask questions during the hearing as they deem appropriate, and participate in the deliberations leading to the final decisions.

**Board Coordinator:** Title IX Sexual Harassment Hearing Boards will also have a hearing board officer assigned to the case. The hearing board coordinator refers to a college official designated by the Title IX Coordinator to advise hearing board members, complainants, and respondents on procedural issues related to the hearing process and policies as outlined in the Title IX Sexual Harassment policy and procedures. Hearing board coordinators are not members of the hearing board and do not have influence with any decisions made by the hearing board.

**Advisors:** See the Sexual Misconduct & Sex-based Discrimination Policy and Grievance Procedures,

[https://www.csctitleix.com/files/ugd/4293dd\\_d8122588368e4dff97c5e97de2a121bb.pdf](https://www.csctitleix.com/files/ugd/4293dd_d8122588368e4dff97c5e97de2a121bb.pdf)

Appendix C of this document for policy on Advisors.

At least five (5) business days prior to the hearing, the parties and their advisors will be notified of the hearing date, time, and location (or relevant electronic information, if the



hearing will be conducted remotely) and invited to meet with the assigned Board Coordinator to review the Title IX Sexual Harassment Hearing Board's procedures.

At least (5) business days prior to the hearing the parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide. This information will need to be submitted to the Board Coordinator who will then disseminate the information to the Hearing Board. The Hearing Board has the discretion to exclude from the hearing evidence/ witnesses/questions deemed irrelevant.

i. Standard of Proof

The standard of proof under this policy is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated this policy.

ii. Expectation Regarding the Complainant, the Respondent, and the Witnesses Regarding the Hearing

In all proceedings under this policy, including at any meeting leading up to and at the hearing, the complainant, the respondent, and the witnesses and other individuals sharing information are expected to provide truthful information.

If the complainant, the respondent, or a witness informs the college that they will not attend the hearing (or will refuse to be cross-examined), the hearing may proceed, as determined by the college Title IX Coordinator. The Hearing Board may not, however: (a) rely on any statement or information provided by that non-participating individual in reaching a determination regarding responsibility; or (b) draw any adverse inference in reaching a determination regarding responsibility based solely on the individual's absence from the hearing (or their refusal to be cross-examined).

Hearings may be conducted in person or by video conference or any other means of communications by which all individuals participating are able to see and hear each other. Each party may make requests related to the format or the nature of their participation in the hearing.

All requests made must be made no less than (3) business days prior to the hearing. Such request will need to be submitted to the hearing board officer who will then disseminate the information to the Hearing Board for consideration and decisions.

iii. Case Presentation

While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisors to conduct cross examination of the other party and/or of relevant witnesses.

The parties' advisors will have the opportunity to cross examine the other party (and witnesses, if any). Such cross examination must be conducted directly, orally, and in realtime by the party's advisor and never by a party personally. Only relevant cross examination questions may be asked of a party or witness. Before a party or witness answers a cross-examination question that has been posed by a party's advisor, the Hearing Board must first determine whether the question is relevant and explain any decision to exclude a question that is deemed not relevant.

iv. Record of Hearing

The college shall create an official record in the form of a recording or transcript of any live (or remote) hearing and make it available to the parties for inspection and review. Any other record of the hearing or any other recording is prohibited and violations may result in discipline.

v. Findings Letter

Following the hearing, the Hearing Board will consider all of the relevant evidence and deliberate regarding responsibility. The Hearing Board shall decide, by a preponderance of the evidence, whether the respondent has violated the policy. A formal findings letter will be written which will contain: (1) the allegations potentially constituting Title IX sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with parties and witnesses, site visits (if any), methods used to gather other information, and the hearing); (3) findings of fact supporting the determination; (4) conclusions regarding the application of this policy to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions imposed by the hearing board if there has been a finding of responsibility (as described in section XI(4)), and whether any remedies designed to restore or preserve equal access to the college's education program or activity or working environment will be implemented; and (6) relevant appeal information for the parties. Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Presiding Hearing Panelist for inclusion in the written determination.

The respondent and complainant and their advisors will simultaneously be provided with the written determination via electronic format.

**Disciplinary Sanctions and Remedies (to be included in the Findings Letter)**

If a party is found to have violated this policy, the Title IX Sexual Harassment Hearing Board will determine appropriate remedies/sanctions for the policies the respondent was found responsible for violations. Any sanctions being imposed will be included in the written determination letter ("Findings Letter").

### **Factors to be Considered When Determining a Sanction**

In determining an appropriate sanction, the Title IX Sexual Harassment Hearing Board will consider the following considerations: the seriousness of the violation; sanctions typically imposed for similar violations; prior disciplinary history; and any other circumstances indicating that the sanction should be more or less severe.

- **For students:** Remedies (also referred to as Sanctions) may include but are not limited to one or more of the following: dismissal; suspension; housing contract revocation; housing contract probation; housing restriction or relocation; educational/counseling requirement; no-contact order; and/or restriction from specific college programs or activities.
- **For employees:** Remedies may include but are not limited to one or more of the following: involuntary separation/termination, suspension/administrative leave, job restriction or reassignment, and/or performance notice/counseling. Please refer to the college's Human Resources Department Employee Handbook <https://testcolbysawyer.sharepoint.com/sites/myHR> for the definition that could be imposed under this policy.

### **Appeals**

Appeals under this policy will be heard by an appeal panel ("appeal board") comprised of three individuals that were not original member of your Sexual Misconduct/Title IX Sexual Harassment Hearing Board. The Appeal Board members shall decide appeals by majority vote.

Title IX Sexual Harassment/Sexual Misconduct appeal board will also have an appeal board coordinator assigned to the case. The appeal board coordinator refers to a college official designated by the Title IX Coordinator to advise appeal board members, complainants, and respondents on procedural issues related to the appeal process and policies as outlined in the Title IX Sexual Harassment/Sexual misconduct policy and procedures. The appeal board is also responsible for consolidating and dissemination all information submitted on appeal. Appeal board coordinator are not members of the hearing board and do not have influence with any decisions made by the hearing board.

Both parties have equal rights to an impartial appeal at the following junctures:

1. Upon the dismissal of a formal complaint or any allegations therein.
2. Upon receiving the formal Findings Letter regarding responsibility and, when applicable, sanction and remedies.

Appeals may be submitted on the following bases: (1) procedural irregularity, in that the grievance process was not conducted in accordance with the procedures prescribed in this document and that the procedural error must have affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made which could affect the outcome of the matter and/or; (3) A conflict of interest on the part of the Title IX Coordinator or their staff, investigator(s), any member of the Hearing Board had a conflict of interest against complainants or respondents

that affected the outcome of the matter.

Information that is not considered sufficient criteria for a reasonable claim of appeal includes: (1) disagreement with the findings and/or sanction of the hearing, (2) failure to appeal at an appropriately scheduled hearing; and/or (3) failure to comply with a sanction.

An appeal is limited in scope. The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of college's rules has occurred.

The non-appealing party will be provided with a copy of the appealing party's completed Electronic Appeal Form within five (5) business days of receipt of the appealing party's written statement. The non-appealing party's statement will be provided to the appealing party. No further appeal submissions from the parties shall be permitted.

The record on appeal is limited to a review of the written appeal document submitted by the appellant(s), the written record of the incident in question, any other documentation or information gathered at the hearing, an interview with the original hearing officer or the coordinator of the hearing board, and any alleged "new information" in an appeal based, in whole or in part, on a claim of "new information," as described above.

The appeal review meeting is considered closed unless the appellate board reviewing the appeal requests the respondent and/or complainant (if applicable) to attend the appeal review meeting to explain any possible "new information". The decision to request the respondent and/or complainant (if applicable) to attend is at the discretion of the appeal board reviewing the appeal.

The party who wishes to appeal must contact the Department of Citizenship Education by email [studentconduct@colby-sawyer.edu](mailto:studentconduct@colby-sawyer.edu) indicating an intent to appeal within (5) days of the delivery date of the original Hearing Board's Findings Letter. After the Department of Citizenship Education receives the party's request/intent to appeal, the party making the request will then be sent instructions on how to properly appeal and be provided with the "Electronic Appeal Form" as an attachment to the email (**This is not an appeal, this is only requesting instructions on how to properly appeal**). Once the party receives the instruction and the Electronic Appeal Form, the party must submit the completed document within (5) days of receiving the form and instructions.

The appeal shall consist of a completion of the Electronic Appeal Form. All appeals must only be completed on the Electronic Appeal Form. The non-appealing party will be provided with a copy of the appealing party's completed Electronic Appeal Form and may submit a written response, within three (3) business days of receipt of the appealing party's submission of the appeal. The non-appealing party's statement will be provided to the appealing party. No further appeal submissions from the parties shall be permitted.

In deciding an appeal, the appeal board may consider the case file and any responses, investigative report and any responses, the hearing record, the written determination, and any written appeal(s) or statements by the parties. The appeal board also may consider any

other materials the college deems relevant and that have been made available to both parties.

The parties and their advisors will simultaneously be provided (via electronic format) with the findings letter describing the result of the appeal and the rationale for the result.

- If the appeal is based on new evidence that was not reasonably available at the time of the determination of responsibility or dismissal, and such evidence could alter the outcome of the matter, the matter will be referred back to the original Hearing Board, which originally heard the case to allow for consideration of the new information.
- If the appeal indicates procedural irregularity that affected the outcome of the matter, the matter will be referred to a new Hearing Board, to allow for reconsideration of the results of the original finding(s).
- If the Appeal Board finds that the college Title IX coordinator or their staff, investigator(s), member of the hearing board, had a conflict of interest against complainants or respondents that affected the outcome of the matter, the appeal board will take appropriate measures to address and remediate the impact of the conflict consistent with the general procedures of this policy.

The appeal board will seek to complete the appeal review within ten (10) business days of receipt of the appealing party's submission of the Electronic Appeal Form.

The determination regarding responsibility becomes final either on the date that the parties are provided with the formal written appeal findings letters determination of the result of an appeal if an appeal is filed (at which point the Title IX sexual harassment grievance process is concluded), or if an appeal is not filed, within (5) days of the delivery date of the original hearing board's findings letter (at which point the Title IX sexual harassment grievance process is concluded).

### **Institutionally Established Grievance Procedures for Allegations Against Employees**

The college will strive to complete investigations in a prompt and reasonable manner, within ninety (90) days, taking into account scheduled breaks, vacation periods and other obligations.

The standard of evidence used to determine whether the alleged violation of the policy occurred is preponderance of the evidence.

A person who believes they have been subject to prohibited conduct outlined in this document may report the complaint to the Title IX coordinator. Complaints of prohibited conduct shall be investigated by the Title IX coordinator or designee.

During the investigation, the investigator may speak to the complainant, the respondent, and any relevant witnesses. The investigator will gather any relevant evidence or documentation, which will be combined in an investigative report and forward it to the Title IX coordinator. The report shall include:

1. a description of the alleged conduct;
2. a summary of evidence gathered in the course of the investigation;
3. evidence gathered that supports and contradicts the allegation; and
4. the balance of the evidence gathered.

The Title IX coordinator will review the completed investigative report, consult with a deputy Title IX coordinator from Human Resources, and compile a letter that outlines the following:

1. notice of the policy that was allegedly violated;
2. a summary of the findings, and;
3. any sanctions or recommendations

Sanctions and recommendations may be determined in conjunction with the Director of Human Resources or designee.

### **Institutionally Established Sexual Misconduct Hearing Process for Allegations Against Students**

All allegations of prohibited conduct will be investigated in a manner that is prompt, thorough, and equitable. Matters involving student respondents which do not meet the standard for the Title IX grievance process will be adjudicated using the procedures outlined in this section.

The Sexual Misconduct Hearing Board will review the information and make a determination of responsibility or no responsibility by a preponderance of the evidence that means more likely than not, based on the all of the relevant evidence and reasonable inference from the evidence that the respondent did or did not violate this policy. Should the Sexual Misconduct Hearing Board determine the respondent is responsible for the alleged violation, it will then determine an appropriate sanction (see Appendix B).

**Sexual Misconduct Hearing Board** (hearing board): Composition of a Sexual Misconduct Hearing Board shall consist of no less than three (3) members, and it shall be drawn from a pool of faculty and staff who are annually trained in the area of Title IX sexual harassment and the college's sexual misconduct policies and procedures. Typically, the hearing board will be referred cases of alleged sexual misconduct conduct violations that could result in sanctioning from warning, probationary status, housing contract revocation/visitation revocation, suspension or dismissal for findings of responsibility. The hearing board will have absolute discretion with respect to administering the hearing. The hearing board will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted.

**The Chair:** Each hearing board will have one member assigned to serve as the Chair for the hearing. The Chair will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or advisor.

Prior to the hearing, the hearing board will be provided with the case file, investigative report, and any responses to the investigative report. All members of the hearing board shall review the investigative report (including the parties' responses), ask questions during the hearing as they deem appropriate, and participate in the deliberations leading to the final decisions.

**Board coordinator:** Sexual Misconduct Hearing Board will also have a hearing board officer assigned to the case. The hearing board coordinator refers to a college official designated by the

vice president for Student Development and dean of students to advise hearing board members, complainants, and respondents on procedural issues related to the hearing process and policies as outlined in Colby- Sawyer College's established grievance procedures for allegations against students. Hearing board coordinators are not members of the hearing board and do not have influence with any decisions made by the hearing board.

At least ten (10) days prior to the hearing, the parties and their advisors will be notified of the hearing date, time, and location (or relevant electronic information, if the hearing will be conducted remotely) and invited to meet with the assigned board coordinator to review the Title IX Sexual Harassment Hearing Board's procedures.

At least five (5) days prior to the hearing the parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide. This information will need to be submitted to the board coordinator who will then disseminate the information to the hearing board. The hearing board has the discretion to exclude from the hearing evidence/ witnesses/questions deemed irrelevant.

All hearings are closed to the public. A recording will not be made by the college. All other recordings are prohibited.

A complainant, respondent, or witness may decline to participate in the hearing. The Sexual Misconduct Hearing Board will not draw an inference about the responsibility determination based solely on a party's or witness's absence from the hearing or refusal to submit to questions.

The complainant and respondent have equal rights to an impartial appeal, as outlined in Part XI (Appeals) of this policy

**Disciplinary Sanctions and Remedies** (to be included in the Findings Letter)

Sanctions serve an important role in shaping a safe and positive community, while also holding a student accountable for their violations. Sanctions are designed to restore safe and positive environments, deter repeat violations, assist those impacted by the misconduct, reaffirm community expectations, to connect students with appropriate resources, and provide educational and reflective opportunities for students.

If a party is found to have violated this policy, the Sexual Misconduct Hearing Board will determine appropriate remedies/sanctions for the policies the respondent was found responsible for violations. Parties are always welcome to propose sanctions that the party believes will be most helpful while considering the purpose of sanction(s). Parties should talk to the assigned hearing coordinator for helpful tools/guides that will best assist with submitting a self-proposed sanction(s). All sanction(s) (including self-proposed sanctions) will be assigned at the discretion of the hearing board. Any sanctions being imposed will be included in the written determination letter ("Findings Letter"). See Appendix B of the Sexual Misconduct & Sex-based Discrimination Policy and Grievance Procedures at: [https://www.csctitleix.com/files/ugd/4293dd\\_d8122588368e4dff97c5e97de2a121bb.pdf](https://www.csctitleix.com/files/ugd/4293dd_d8122588368e4dff97c5e97de2a121bb.pdf) for Sanctions.



### **Factors to be Considered When Determining a Sanction**

In determining an appropriate sanction, the Sexual Misconduct Hearing Board will take into account the following considerations: the seriousness of the violation; sanctions typically imposed for similar violations; prior disciplinary history; and any other circumstances indicating that the sanction should be more or less severe.

- For students: Remedies (also referred to as Sanctions) may include but are not limited to one or more of the following: dismissal; suspension; housing contract revocation; housing contract probation; housing restriction or relocation; educational/counseling requirement; no-contact order; and/or restriction from specific college programs or activities.
- For employees: Remedies may include but are not limited to one or more of the following: involuntary separation/termination, suspension/administrative leave, job restriction or reassignment, and/or performance notice/counseling. Please refer to the Employee Handbook for further information.

### **Assistance for Victims: Rights and Options**

Regardless of whether a victim elects to pursue a criminal complaint, the college will assist victims/complainants of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights. See page 19, number 2 of the Sexual Misconduct & Sex-based Discrimination Policy and Grievance Procedures at: [https://www.csctitleix.com/files/ugd/4293dd\\_d8122588368e4dff97c5e97de2a121bb.pdf](https://www.csctitleix.com/files/ugd/4293dd_d8122588368e4dff97c5e97de2a121bb.pdf) for “Notifications and Rights and Options”.

If a victim/complainant elects to pursue a criminal complaint, New Hampshire, provides the following rights to victims of domestic violence, dating violence, sexual assault or stalking: Victims of felonious crimes committed by an adult offender are entitled to the following rights under RSA 21-M:8-k.

1. The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.
2. The right to be informed about the criminal justice process and how it progresses.
3. The right to be free from intimidation and to be reasonably protected from the accused throughout the criminal justice process.
4. The right to be notified of all court proceedings.
5. The right to attend trial and all other court proceedings the accused has the right to attend.
6. The right to confer with the prosecution and to be consulted about the disposition of the case, including plea bargaining.
7. The right to have inconveniences associated with participation in the criminal justice process minimized.
8. The right to be notified if presence in court is not required.
9. The right to be informed about available resources, financial assistance, and social services.
10. The right to restitution, for their losses, as granted under RSA 651:62-67 or any other applicable state law, or victim's compensation, under RSA 21-M:8-h or any other applicable state law.
11. The right to be provided a secure, but not necessarily separate, waiting area during court proceedings.

12. The right to be advised of case progress and final disposition.
13. The right of confidentiality of the victim's address, place of employment, and other personal information.
14. The right to the prompt return of property when no longer needed as evidence.
15. The right to have input in the probation pre-sentence report impact statement.
16. The right to appear and make a written or oral victim impact statement at the sentencing of the defendant. No victim shall be subject to questioning by counsel when giving an impact statement. \*\*
17. The right to be notified of an appeal, an explanation of the appeal process, the time, place and result of the appeal, and the right to attend the appeal hearing.
18. The right to be notified and to attend sentence review hearings and sentence reduction hearings.
19. The right to be notified of any change of status such as prison release, permanent interstate transfer, or escape, and the date of the parole board hearing, when requested by the victim through the victim advocate.
20. The right to address or submit a written statement for consideration by the parole board on the defendant's release and to be notified of the decision of the board, when requested by the victim through the victim advocate.
21. The right to all federal and state constitutional rights guaranteed to all victims of crime on an equal basis, and notwithstanding the provisions of any laws on capital punishment, the right not to be discriminated against or have their rights as a victim denied, diminished, expanded, or enhanced on the basis of the victim's support for, opposition to, or neutrality on the death penalty.
22. The right to access to restorative justice programs, including victim-initiated victim-offender dialogue programs offered through the department of corrections.

\*\*In any case where the victim informs the court that he or she requires assistance in making an oral or written impact statement permitted under this section, the court shall allow the victim to designate a representative to write or speak on the victim's behalf.

The victim's impact statement shall not be limited to the injuries, harm, or damages noted in the information or indictment, but may include all injuries, harm, and damages suffered as a result of the commission or attempted commission of the crime whether or not the injuries, harm, or damages were fully determined or discovered at the time the information or indictment was filed.

## **Sexual Misconduct Education and Prevention Programs**

### **Definitions:**

Programs to prevent refers to comprehensive educational and training programs, intended to prevent violence, that incorporate diverse approaches that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and consider risk and protective factors as they occur on the individual, relationship, community, and societal levels.

Primary prevention refers to programming, initiatives, and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs, to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and

beliefs. Efforts to change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of primary prevention.

Awareness programs refers to programs, campaigns, or initiatives that increase audience knowledge of the issues of sexual assault, domestic violence, dating violence and stalking and share information and resources to prevent interpersonal violence, promote safety, and reduce perpetration.

Bystander intervention refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the individual. Effective bystander intervention training prepares participants to recognize situations of potential harm, overcome barriers to intervening, identify safe and effective intervention options, and act.

Risk reduction refers to approaches that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction. Risk reduction focuses on helping individuals and communities address the institutional structures or cultural conditions that facilitate SV, DV and stalking to increase safety.

Ongoing awareness and prevention campaigns refers to campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to SA, DV and stalking prevention. These programs will occur at different levels throughout the institution (i.e. faculty, athletics, incoming students) and will utilize a range of strategies.

The college engages in educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and ongoing awareness and prevention campaigns for students, faculty and staff that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of New Hampshire;
- d. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- e. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The college has developed an ongoing awareness and prevention campaign consisting of speakers, skits, the Clothesline project, movie series, an annual poster series and web-based training programs.

### **CSC Educational Programming: Clery/VAWA Compliance for Calendar Year 2022**

Programs and information are available through the Office of Student Development (Ware Student Center), the Department of Campus Safety (James House), the Baird Health and Counseling Center (ex.3621), the Department of Citizenship Education (Ware Student Center), the Department of Residential Education (Ware Student Center) and the Student Activities office (Ware Student Center)

Programs promoting awareness and prevention of sexual assault include:

- Before coming to campus, all students must complete an online primary prevention training module, "SafeColleges." The module covers federal and New Hampshire law and Colby-Sawyer College rights, policies, responsibilities, and resources concerning sexual violence, including sexual harassment, sexual assault and unwanted sexual contact, dating violence, domestic violence, and stalking.
- Each spring, all students must complete the Campus SaVE Act online primary prevention training through Vector Solutions, which covers sexual violence, sexual harassment, sexual assault, dating violence, domestic violence, stalking prevention and resources, and effective bystander intervention strategies.
- At New Student Orientation, incoming students participate in a primary prevention program focused on maintaining a respectful community, preventing sexual assault, and promoting sexual respect and healthy relationships. The Hookup unpacks the practice of hooking up and identifies the differences between healthy hook-ups, regretted hook-ups, and sexual assault. During the presentation, a facilitator guides the students in an interactive conversation. Resource and contact information are provided during and after the program.
- The Rape Aggression Defense (RAD) is a primary prevention program that teaches women personal safety and basic self-defense skills, capitalizing on women's lower center of gravity and greater lower body strength. The program assists women in gaining confidence in their own abilities, as well as making them more aware of their surroundings.
- Bringing in the Bystander is a primary prevention program that focuses on building and maintaining the CSC community by empowering students to be alert to "red flags" and providing students the tools to help others by knowing resources and referring others to those resources.
- One Love Escalation Workshop: Run by One Love, a foundation that works with young people across the country to raise awareness about the warning signs of abuse and activates communities to work to change the statistics around relationship violence. The workshop consists of a 40-minute film followed by a guided discussion.
- Clothesline Project: Displays over 7,000 T-shirts with written messages and illustrations demonstrating the impact of sexual and domestic violence. These shirts, created by

survivors of violence and those close to them, represent the need to “break the silence” while providing community awareness.

- The Process: information about what to do after a sexual misconduct incident occurs, Undress the Process is an open dialogue surrounding the sexual misconduct policies at Colby Sawyer, what to do in the event of a sexual misconduct incident, support for those involved, etc.
- Twilight/Twilight2: Flagging Unhealthy Relationship Behaviors in Media: Attendants are given red flags to wave whenever they recognize an unhealthy relationship behavior in the movie and a bingo sheet full of unhealthy behaviors to fill out. The screening provides a less stressful way to address and educate students about unhealthy relationships.
- Baird Health and Counseling Center offers:
  - Individual medical and mental health counseling to victims of sexual assault as needed;
  - Referrals to professional care providers as needed;
  - Individual counseling on awareness and prevention of sexual assault as needed;
  - BHCC staff liaison to the Crisis Center of Central New Hampshire

All CSC employees must complete an online Title IX/VAWA training program successfully. The presentation provides an overview of what it means to be a “responsible employee” and educates employees on how to respond to disclosures of sexual assault or gender-based harassment. It identifies prohibited forms of conduct, including sexual assault, gender-based harassment, dating or domestic violence, or stalking. Employees learn about resources and sources of support available to those affected by sexual misconduct and gender-based harassment. The college continues to explore avenues for infusing faculty and staff training with essential information about active bystander intervention and policies and procedures.

**The college offered the following ongoing awareness and prevention programs for students during the calendar year 2022:**

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
SafeColleges (Campus SaVE Act)	January 2022 – May 2022 (all students, faculty, staff)	online	S, DoV, DaV, SA
Clothesline Project	March 25 - April 3, 2022 (CSC community/public)	Sawyer Center	S, DoV, DaV, SA
OneLove Escalation Workshop/Dating Violence Prevention	March 28, 2022 (SAAC-all Varsity Athletes)	Sawyer Center	S, DoV, DaV, SA
CSC Creating a Safe Campus	August 2022- Sept. 2022 (all students prior to the start of the academic year)	online	S, DoV, DaV, SA
Bystander Intervention Training	August 31, 2022 (Resident Assistants)	Ivey Science Center	S, DoV, DaV, SA

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<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
The Hookup	September 3, 2022 (all first-year students as part of orientation)	Sawyer Center	S, DoV, DaV, SA
Bringing in the Bystander	September 4, 2022 (all first-year students as part of orientation)	Ivey Science Center/Clements	S, DoV, DaV, SA
<i>Twilight</i> - Flagging Unhealthy Relationship Behaviors in Media	October 24, 2022 (CSC community)	Ware Student Center	S, DoV, DaV, SA
The Process	October 26, 2022 (CSC community)	Gordon Hall	S, DoV, DaV, SA
Rape Aggression Defense	January 10-12, 2022 (available to all CSC female students/employees) November 6, 12, and 13, 2022 (available to all CSC female students)	Gordon Hall	DoV, DaV, SA
<i>Twilight 2</i> - Flagging Unhealthy Relationship Behaviors in Media	November 21, 2022 (CSC community)	Ware Student Center	S

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking*

### **Sexual Offender Information**

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

In State of New Hampshire pursuant to TITLE LXII of the New Hampshire Criminal Code chapter 651-B convicted sexual offenders are required to report their current mailing address, place of residence or temporary domicile, and place of employment or schooling to the local law enforcement agency within 30 days after the person's release from custody following conviction, or within 30 days after the person's date of establishment of residence in New Hampshire if convicted elsewhere. The reporting continues annually within 30 days after each anniversary of the person's date of birth, and additionally within 30 days after any change of address or place of residence.

Any nonresident sexual offender or offender against children who enters New Hampshire for the purpose of employment, with or without compensation, or to attend any public or private educational institution for a period exceeding 14 consecutive days or for an aggregate period of

time exceeding 30 days during any calendar year is required to report to the local law enforcement agency having jurisdiction over the place of employment or school within 10 days of the nonresident offender entering the state for employment or schooling, and additionally within 10 days after any change of place of employment or schooling. In the event a nonresident offender is required to register but does not have a principal place of employment, the offender must register with the department in Concord. Upon the nonresident offender's initial registration, the local law enforcement agency or the department notifies the offender of the offender's duty to report under this chapter. The offender reports the address of her/his place of employment or schooling while in the state, the address where s/he resides out of state, and other information required by department rules adopted in accordance with RSA 651-B: 8. The reporting continues annually within 30 days after each anniversary of the person's date of birth, and additionally within 10 days after any change of address or place of employment or schooling. The offenders address status is monitored through the mailing of a non-forwardable verification form to the offender's last reported address every 90 days.

Colby-Sawyer College falls under the jurisdiction of the New London Police Department who is responsible for maintaining a current list of Sexual Offenders, required to register in the town of New London.

Any interested party may view the list at:

New London Police Department

375 Main Street

New London, New Hampshire 03257 (603) 526-2626

Or on-line at New Hampshire Registration of Criminal Offenders:

<https://business.nh.gov/NSOR/search.aspx>

### **Child Sexual Abuse Reporting**

Under New Hampshire law, (RSA 169-C:29), every person, including all Colby-Sawyer College students and employees, who have reason to believe that a child has been abused or neglected, including having reason to believe that a child has been sexually abused, is required to report the abuse or neglect to:

New Hampshire Department of Health and Human Services

Bureau of Child Protection <http://www.dhhs.nh.gov/dcyf/cps/>

603-271-6556 | 800-894-5533 (in-state only)

Please call the New London Police Department: 603-526-2626 and CSC Campus Safety at 526-3675 after you have made that report.

Under New Hampshire law, "sexual abuse" means the following activities under circumstances which indicate that the child's health or welfare is harmed or threatened with harm:

- the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit

conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or

- the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.

With respect to the definition of sexual abuse, the term "child" or "children" means any individual who is under the age of 18 years. (RSA –C:3 XXVII-a).

If you are in doubt about whether you must report please contact the Department of Campus Safety at 603-526-3675.

### Weapons Policy

CSC prohibits the possession of dangerous weapons. Except for those persons specifically exempted under this policy or otherwise explicitly authorized by the College's director of campus safety to have a weapon, no one may possess, carry, use, transport, store, or otherwise have in their custody or control – however temporary – any weapon while on college owned or controlled property or at any college sanctioned event, wherever situated.

The term “weapon” (or “weapons”) includes the following:

- firearms (loaded or unloaded);
- ammunition;
- fireworks, firecrackers, black powder or any other explosive devices;
- personal knives (2 inch blade or greater)\*; swords, dirks, daggers, stilettos, switchblades, hatchets, machetes, and other bladed instruments;
- archery and target practice equipment;
- pellet guns, airsoft, sling shots or other devices which propel a projectile; or other weapons
- striking instruments including clubs, sling shots, truncheons, blackjacks and metal knuckles;
- martial arts weapons including nunchakus, staffs and throwing stars; and
- any object used as a weapon or otherwise used to threaten harm, intimidate, or any object designed to, or readily converted, to perform essentially the same function as any of the prohibited objects listed above, or any other destructive device or instrument that may be used to do bodily injury;
- laser pointers when improperly used; and
- any object or weapon of like kind as those listed.

\*Kitchen knives (which are defined as knives specifically manufactured for use in food preparation) are authorized but must be safely stored when not in use. (i.e., knives are prohibited from display/storage in kitchen knife block, magnetic wall stand, etc.)

Chemical or pepper spray used for personal protection and self-defense is allowed on campus. However, misuse of these items will be considered a violation of this policy. Costs resulting from the misuse will be the responsibility of the owner of the propellant.



Any violations of this policy will result in confiscation of the objects and conduct system action. Use or possession of any of the aforementioned items could result in the termination of residence hall living privileges and/or separation from the college. Depending on the weapon and the circumstances surrounding its discovery, the college may notify New London Police Department.

### EXCLUSIONS:

- Sworn, on-duty law enforcement officers acting within the scope of their employment are exempted from this [policy](#).
- Additional exemptions, involving any other provision of this policy, may be granted in writing by the CSC director of campus safety for job related, educational, cultural, or demonstration purposes; or other reasonable purposes as determined in the sole discretion of the director.

### Education of Members of the College Community

Campus security and fire safety procedures are discussed during new student and new employee orientation. Student Development, which consist of the Departments of Campus Safety, Residential Education, Baird Health and Counseling Center, Citizenship Education and Student Activities participate in forums, meetings, and programs in residence halls to address students and explain college security, public safety, and fire safety measures and procedures at CSC. Members of the Department of Campus Safety conduct crime prevention and general security and safety awareness presentations when requested by various community groups, including students and employees of the college. During these presentations, the following information is typically provided: crime prevention tips, travel safety, sexual assault prevention, fire safety information, and information regarding campus security procedures and practices, including encouraging participants to be responsible for their own security/safety and for the security/safety for others on campus. New employee orientation includes a presentation on personal safety, chemical hygiene, workplace violence, and fire safety.

### Crime Prevention Programs

Crime prevention programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Campus Safety personnel facilitate programs for student, parents, faculty, and new employee orientations, in addition to regular programs for Residential Education staff and residents providing a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes. Some examples of Colby-Sawyer College crime prevention initiatives include:

*Facilities Surveys:* developed to identify and correct deficiencies in exterior lighting, locking hardware, and safety of individual structures and grounds through tours conducted by the department's officers.

*Non-Escalation, De-Escalation, Crisis Management,* Provides crisis intervention and proxemics methodologies that address how to: provide better customer service; predict, prevent and

mitigate conflict; avert verbal and physical attacks; de-escalate resistance, anger, and abuse; control crisis and aggression; write up, review, and explain intervention decisions; This course uses Vistelar's emotionally safe performance-driven instruction that emphasizes scenario-based skills practice and audio-/video-recorded assessments to ensure students can perform learned skills — in a supportive classroom environment. Offered to students, staff and faculty as requested.

*Project Engrave:* engraving tools are made available to members of the college community, free of charge, to mark all valuable property. The result is a reliable tracking method and deterrence to crime. Available to all students throughout the academic year.

*Printed Crime Prevention Materials:* materials pertaining to sexual assault, fire safety, crime prevention, etc. are distributed at crime prevention presentations throughout the campus and on the Internet.

*Residence Hall Security:* All exterior doors of the residence halls are protected by card access systems. Student rooms are secured with BEST® locks that require a unique key to help prevent unauthorized duplication. Uniformed officers periodically throughout the day and evening patrol the residence halls.

*Emergency Telephones:* are located outside each traditional residence hall, outside Colgate Hall, outside the Department of Campus Safety, the Ivey Science Center and parking areas K and M; when activated the calls are made to the Department of Campus Safety.

*Personal Safety Escort Program:* a personal escort for all students walking on campus during hours of darkness.

*CSCTIP:* CSCTIP is a program designed to allow users to inform the Department of Campus Safety about non-emergency security concerns. To text a tip to the Department of Campus Safety, the person must be subscribed to a participating cell phone carrier and have text messaging enabled on their phone. To submit a tip, create a text with the word **CSCTIP** followed by the tip information and send the message to **79516**.

A tip can be submitted anytime, anywhere, 24/7. Campus Safety will obtain the text message without any identifying information attached and the sender will be anonymous to the receiver. Any information submitted is forwarded to the Campus Safety Duty Officer and the Director of Campus Safety. This tip service is for non-emergency, investigative information only and will not generate a radio call or summon Campus Safety or the police to the sender's location. In an emergency always call 9-1-1.

### **Security Loss Prevention**

Theft is the most common crime on campuses in the United States. Safeguard your valuables by practicing these easy tips.

- Keep your doors and windows locked, even if you are sleeping in your room or leaving your room for only a few seconds.

- Keep valuable items like cash, checks, credit cards, and jewelry locked in a safe place. Consider having a securable footlocker or trunk.
- Report broken doors, windows, locks, and lights to Residential Education immediately by emailing [residential@colby-sawyer.edu](mailto:residential@colby-sawyer.edu) or calling x3455. Follow up if you notice any response delay.
- Don't loan your key to anyone, even friends.
- Don't prop open external doors or even your own room door. This is dangerous because it allows access to anyone for any reason.
- When leaving your room, keep a light on. This will give the appearance that someone may be in, and you'll return to a lit room.
- Identify high-value items and keep a record, including serial numbers. Project Engrave is a great way to discourage thieves and protect your valuables.
- When leaving on break, or even for a long weekend, take your valuables with you. If that's not possible, lock them up before you leave.

### **Residence Hall Safety**

Campus Safety and the Residential Education staff are here to ensure that security and safety measures are constantly maintained. The Residential Education webpage <http://colby-sawyer.edu/residential-life> and the Housing Contract delineate residence policies. Listed below are highlights regarding security/safety considerations.

- Entrance doors to all residence halls are locked 24/7
- Do not place items in a position where they block open residence hall entrance doors, doors marked as fire doors, or any window exits.
- Lock your door whenever you leave your room, no matter how short the time. It only takes a few seconds for your belongings to disappear. The same rule applies whenever you or your roommate are sleeping or even for short trips to the restroom.
- Do not leave notes on your door or dry erase board stating that no one is home or posting your daily routine.
- Report missing keys or broken locks to Campus Safety immediately.
- Unauthorized duplication of keys is prohibited.
- Notify residence staff and Campus Safety immediately if you receive obscene or harassing telephone calls.
- Notify Campus Safety in the event of unauthorized room entry. Do not touch anything as you may disturb evidence.
- DO NOT allow anyone you don't know into a residence hall. Report all suspicious persons and vehicles to Campus Safety.
- Residents are responsible for their guests' safety and behavior.
- Do not put your name and address on key rings.

### **Notification of Missing Students**

If a member of the college community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify Campus Safety at 526-3300. Campus Safety will generate a missing person incident report and initiate an investigation.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by CSC in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, CSC will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so through on the college's website under myColby-Sawyer in the student's section. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

After investigating a missing person report, should Campus Safety determine that the student has been missing for 24 hours, CSC will notify the New London Police Department and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, CSC will notify the student's parent or legal guardian immediately after Campus Safety has determined that the student has been missing for 24 hours. The complete Missing Student policy and procedure can be found at: <http://colby-sawyer.edu/missing-student-policy>

### **Emergency Preparedness**

The college's Emergency Management Plan includes information about Unit Plans, college operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. College departments are responsible for developing Unit Plans and continuity of operations plans for their faculty and/or staff and areas of responsibility. The college conducts emergency response exercises each year, such as table top exercises, functional exercises, evacuation drills and/or tests of the emergency notification systems on campus ([CSCAlert](#)). These exercises are designed to assess and evaluate the emergency plans and capabilities of the institution.

### **Emergency Preparedness Training**

On Aug. 16, 2022, members of the Colby-Sawyer athletic training staff, athletic training students, Athletics Department personnel, Incident Response Team members, and New London EMS participated in an emergency preparedness exercise. The exercise was created and facilitated by Professor T.J. Smith.

The purpose of the exercise was to provide participants with an opportunity to assess their preparedness, response and recovery protocols, plans and capabilities when responding to an athlete experiencing an exertional heat illness. The exercise took place on the Sally Shaw Veitch '66 Track and Field using, as much as possible, the equipment and personnel that would be called upon in an actual event.

Players participated in the real-time management of the challenges presented by the event. The exercise focused on emergency responder coordination, critical decision-making and the

integration of resources necessary to prepare for, respond to and recover from an exertional heat illness emergency.

### Evacuation Drills

Campus Safety, in collaboration with the New London Fire Department, conducted evacuation drills for each residence hall during fall semester.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At Colby-Sawyer, evacuation drills are used as a way to educate and train students, faculty and staff. During the drill, community members ‘practice’ drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to education, the process also provides the college with the opportunity to test the operation of fire alarm system components.

### A.L.I.C.E. Training

A.L.I.C.E. is a program designed to supplement current “lockdown” procedures used frequently in our schools and workplaces as a stand-alone defensive strategy for an Active Shooter event. It is recognized across the country as an additional component to the traditional “lockdown” response to an “Active Shooter on Campus” emergency.

A.L.I.C.E. is an acronym for Alert, Lockdown, Inform, Counter, and Evacuate. The main objective of the program is to provide students, faculty and staff with options to increase their chance of survival during an “Active Shooter on Campus” emergency. Where the traditional lockdown response is passive (lock doors, turn out lights and wait for help), the A.L.I.C.E. program is considered a more aggressive response.

Students, faculty and staff who would like to experience ALICE response concepts through practical application, can arrange to do so by contacting Pete Berthiaume at [pberthia@colby-sawyer.edu](mailto:pberthia@colby-sawyer.edu).

### Emergency Response

In addition to the campus wide training, Department of Campus Safety officers and supervisors have received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the Department of Campus Safety, New London Police (NLPD) and/or New London Fire (NLFD), and they typically respond and work together to manage the incident. Depending on the nature of the incident, other CSC departments and other local or federal agencies could also be involved in responding to the incident.

General information about the emergency response and evacuation procedures for CSC is publicized each year as part of the institution’s Clery Act compliance efforts and that information is available in the college’s Emergency Preparedness Guide on the Department of Campus Safety web site at <http://colby-sawyer.edu/assets/pdf/EmergencyGuide.pdf>. Detailed information about and updates to the CSC Emergency Management Plan are available on myCOLBY-SAWYER to authorized community members.

### **Notification to the CSC Community about an Immediate Threat**

All members of the CSC Community are to notify the Department of Campus Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. Department of Campus Safety has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the Department of Campus Safety has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

The Office of Marketing and Communications (M&C) receives information from the Department of Campus Safety. If the Department of Campus Safety confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the CSC Community, the M&C or designee will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the CSC Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. M&C or designee will, without delay and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Department of Campus Safety, NLPD, NLFD), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Colby-Sawyer College uses the notification system [CSC Alert](#) to send urgent messages to the college community through cell phones, e-mail accounts, campus monitors, emergency displays, campus computers and text to voice messages on all college telephones. Colby-Sawyer College students, faculty, and staff must register for the service, which will enable Colby-Sawyer to send text messages to your cell phones with timely information about emergencies such as power outages, fires, crime watches, college closings and Homeland Security advisories. The CSCALERT system will automatically send alerts to all Colby-Sawyer e-mail accounts.

- To create an account and register for CSC ALERT, logon to the registration form on the myCSC ALERT section of myColby-Sawyer.
- To review and/or update your account information, go to <https://colby-sawyer.edu/csc-alerts> and login with the username and password you used to set up your CSC ALERT account.

For more information about CSC ALERT, go to <https://colby-sawyer.edu/csc-alerts> .  
If you have any questions about CSC ALERT, please contact the Helpdesk by email at [helpdesk@colby-sawyer.edu](mailto:helpdesk@colby-sawyer.edu).

***Colby-Sawyer community members are strongly encouraged to register for CSC ALERT and to keep their account information up to date.***

The college will post updates during a critical incident on the CSC web site at <http://www.colby-sawyer.edu/>. Public Address (PA) system from the Campus Safety vehicle strategically placed

on campus to facilitate communication. Time permitting, printed material providing incident specific information will be posted in residence halls and some administrative buildings. To see the college's Emergency Response and Communications policy and procedure visit <https://colby-sawyer.edu/emergency-procedures>.

### **Emergency Evacuation Procedures**

An evacuation drill is facilitated by Department of Campus Safety each semester for all residential facilities on campus. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Campus Safety does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Campus Safety and Residential Education staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of fire or another emergency. At CSC, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. A fire safety presentation is offered to all individuals participating in the drill before they return to their rooms. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the college an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by the Campus Safety and Residential Education to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Students receive information about evacuation and shelter-in-place procedures via email, posted on the Campus Safety website, during their first-floor meetings and/or during other educational sessions that they can participate in throughout the year. The Residential Education staff members are trained in these procedures as well and act as an on-going resource for the students living in residential facilities.

Campus Safety coordinates announced and unannounced evacuation drills each semester, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. CSC will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.



## **Lockdown Procedures**

### **Room, Building, or Campus Room Lockdown Response**

A Room Lockdown Response is used when escaping is not an option and/or when it may be more dangerous to evacuate the building than to stay in the assigned rooms. Examples: Violent or potentially violent incident by an angry or deranged person or persons threatening with a gun or other deadly weapon; robbery in progress, etc. Community members will be alerted to a campus “Lockdown” status via text message, a computer connected to the college’s network, e-mail, runner or other means available.

### **Room Lockdown Procedure**

- a. \*When a “Lockdown” alert is received announce “Lockdown” to your group
- b. Remain calm and stay with your group of students, faculty, staff, or visitors.
- c. Lock room doors and windows, Barricade using door jambs and wedges if the door opens inward or tie offs if the door opens outwards. Blockade the door with heavy furniture
- d. Close shades
- e. Move people away from doors and windows so they can’t be seen
- f. Shut off lights
- g. Silence cell phones but do not shut them off, turn off any source of noise
- h. Prepare to escape and/or defend
- i. Ignore Fire Alarm (contact 911 if you believe there is a fire danger)
- j. Notify law enforcement (911) of the type of disturbance, its location, the number of people causing it, who is involved, any weapon presence, and your name. Provide as much information as possible.
- k. Maintain a calming influence over your group. Reassure students, faculty, staff, and visitors that everything possible is being done to return the situation to a normal condition.
- l. Notify law enforcement (911) as soon as possible of any medical emergencies.
- m. Remain in the secure room until released by law enforcement.

\*Split tasks with other people in the room. If there are other people in the room, get their attention and assign them to the following tasks:

- One person should call 9-1-1
- One group of people should lock and barricade the door.
- One group of people should grab anything that could be used as a weapon.

### **Building or Campus Lockdown Response**

- a. The decision to initiate a building or campus-wide Lockdown rests with Campus Safety and/or law enforcement.
- b. A Lockdown consists of moving all students, faculty, staff, and visitors off the grounds and away from danger while securing all entrances, and denying access to any unauthorized persons.
- c. Always begin the Lockdown procedure immediately following notification to do so.
- d. Cancel all outdoor activities until approved otherwise by law enforcement.
- e. No person should leave a building under a Lockdown order.
- f. The building or campus Lockdown is to remain in effect until cancelled by law enforcement.
- g. Ensure all instructions issued by law enforcement are followed immediately.



**For more information about responding to an active shooter on campus visit the Campus Safety webpage at:** <http://colby-sawyer.edu/assets/pdf/Active%20Shooter-Workplace%20Violence.pdf>

### **Shelter-In-Place Procedures**

#### **What It Means to "Shelter-In-Place"**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter-in-place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

#### **Basic "Shelter-in-Place" Guidance**

If an incident occurs and the building you are in is not damaged, stay inside-seeking an interior room-until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, CSC Smart Card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest college building quickly. If police or fire department personnel are on the scene, follow their directions.

#### **How You Will Know to "Shelter-in-Place"**

A shelter-in-place notification may come from several sources, including the Department of Campus Safety, Residential Education members, other college employees, NLPD, NLFD, or other authorities utilizing the college's emergency communications tools.

#### **How to "Shelter-in-Place"**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene
2. Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (college staff will turn off ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (Hall Staff, faculty, or other staff) to call the list in to Campus Safety so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio/TV, monitor the CSC webpage and wait for further instructions.

### **Annual Fire Safety Report**

If a fire occurs in a CSC Building, community members should immediately dial 9-1-1. If a member of the CSC Community finds evidence of a fire that has been extinguished, and the person is not sure whether the Department of Campus Safety has already responded, the community member should immediately notify the Campus Safety duty officer to investigate and document the incident.

The fire alarms alert community members of potential hazards and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The New London Fire Chief can levy fines and penalties to individuals who fail to evacuate a building promptly – but a more important reason for evacuating is for safety reasons!

When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus typically rings to 9-1-1 dispatch.

The Department of Campus Safety publishes this fire safety report as part of its annual Clery Act Compliance document, via this brochure, which contains information with respect to the fire safety practices and standards for CSC. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire (see charts in **Appendices 5, 6 and 7** for more information). The compliance document is available for review at the Department of Campus Safety office in James House.

### Fire Protection Equipment/Systems

A majority of college buildings are equipped with automatic fire detection and alarm systems which are constantly monitored by a contracted 24-hour dispatch center. Refer to **Appendix 4** to review the Fire Safety Amenities in CSC Residential Facilities Chart for information about fire detection, notification, and suppression systems in each residential facility. Colby-Sawyer College periodically reviews its fire safety program and there are no immediate plans for improvement.

### Health and Safety Inspections

Fire safety inspections are conducted by Residential Education each semester. Inspections generally occur at hall closings (Thanksgiving, Winter Break and Spring Break). Students will be notified at least 24 hours in advance of the inspection. Inspections will record any violation of the Fire Safety regulations, and students will be advised in writing of the violations and the appropriate sanctions. The Residential Education inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Code of Community Responsibility which includes the inspections and all other rules and regulations for residential buildings. During the summer the Facilities Department conducts an inspection of the residential facilities. The inspections include, but are not limited to, a visual examination of sprinkler heads, smoke detectors, fire extinguishers and other life safety systems.

In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, toasters, toaster ovens, coffee pots, hot plates, immersion heaters, irons, air conditioners, space heaters, sun lamps, halogen lamps, or any appliances with exposed burners or prohibited activity (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.).

#### Fire Safety Tips\*

Buildings are equipped with a variety of features that are designed to detect, stop and /or suppress the spread of a fire.

- A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open.
- Sprinklers are 98% effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials like clothing hanging from the piping. Nothing may be hung from or may cover ceilings, smoke detectors, conduit cables, light fixtures, sprinkler pipes, sprinkler heads, or electrical outlets.
- Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of college policy.
- Almost  $\frac{3}{4}$  of all fires that are caused by smoking material are the result of a cigarette being abandoned or disposed of carelessly. Smoking is NOT PERMITTED in any CSC building.

A daily fire log is available at the Department of Campus Safety in James House from 8 a.m.–5 p.m. Monday through Friday, excluding holidays. The information in the fire log typically includes information about fires that occur in residential facilities, including the nature, date, time, and general location.

(\*Please review the fire safety policies for residence halls at <http://colby-sawyer.edu/residential-life>.)

#### **EXCERPTS FROM NEW HAMPSHIRE CRIMINAL CODE**

*644:3 False Public Alarms:* A person is guilty of a misdemeanor if he knowingly communicates or causes to be communicated to any governmental agency that deals with emergencies involving danger to life or property a false report concerning an explosion or other catastrophe or emergency knowing such report to be false. This section does not apply to false alarms subject to RSA 644:3-a or 3-b.

*644:3-a False Fire Alarms:* Any person who knowingly gives or aids or abets in giving any false alarm of fire, by any means, is guilty of a misdemeanor.

*644:3-b False Fire Alarms resulting in Injury or Deaths:* Any person who knowingly gives or aids or abets in giving any false alarm of fire, by any means is guilty of a class B felony if bodily injury or death is sustained by any person as a result thereof.

*644:3-c Unlawful interference with Fire Alarm Apparatus:* A person who knowingly tampers with, interferes with, or impairs any public fire alarm apparatus, wire, or associated equipment is guilty of a class B felony.

Penalties: *Misdemeanors:* Up to one year in jail and/or up to a \$1,000 fine. *Class B Felonies:* One to seven years in jail and/or a fine.

### **Colby-Sawyer College Crime Statistics**

The Clery Act requires colleges and universities across the United States to disclose timely and accurate information about crime on and around their campuses. Amendments to the law have added requirements that institutions afford the victims of campus sexual assault certain basic rights and expanded reporting requirements. Definitions of these crimes are provided in **Appendix 1**.

**Appendix 2** provides a table with the Colby-Sawyer College Crime Statistics.

The Department of Campus Safety provides these statistics so that prospective students and their families, and prospective employees have “accurate, complete and timely information about safety on campus.” The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus student conduct authorities for respective violations, not the number of offenses documented.

The crimes that are reported are not necessarily against a member of the CSC community.

### **How We Compile Our Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the college community obtained from the following sources: the Colby-Sawyer College Department of Campus Safety, the New London Police Department, law enforcement agencies responsible for jurisdictions where our students stay overnight for college sanctioned events two days or more, the Department of Citizenship Education and other officials (as defined below). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law) and to the Department of Citizenship Education. Statistical information is requested from employees at the Baird Health and Counseling Center, even though they are not required by law to provide statistics for the compliance document.

All of the statistics are gathered, compiled, and reported to the college community via this document, entitled Colby-Sawyer College Annual Campus Security and Fire Safety Report”, which is published by the Associate Dean of Students and Director of Emergency Management. The Associate Dean submits the annual crime statistics published in this booklet to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The Associate Dean of Students and Director of Emergency Management sends an e-mail to every enrolled student and current employee on an annual basis. The e-mail includes a brief summary of the contents of the report. The e-mail also includes the address for the Campus Safety website where the report can be found on-line and information about how to request a hard copy of the document.

### **Specific Information about Classifying Crime Statistics**

The statistics in **Appendix 2** are published in accordance with the standards and guidelines used by the FBI's *Summary Reporting System User Manual (SRS, the National Incident-Based Reporting System (NIBRS) User Manual, the Hate Crime Data Collection Guidelines and Training Manual* and the relevant federal law (the Clery Act). The number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/ Non-Negligent Manslaughter, Negligent Manslaughter, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, each person who was arrested is indicated in the arrest statistics.

The statistics captured under the "Referred for Disciplinary Action" section for Liquor Law, Drug Law, and Illegal Weapons violations indicates the number of people referred to the Colby-Sawyer Department of Citizenship Education for disciplinary action for violations of those specific laws. Being "found responsible" for a violation includes a referral that resulted in a student being charged by Citizenship Education and a record of the action being kept on file.

Hate Crime statistics are separated by category of prejudice. The numbers for most of the specific crime categories are part of the overall statistics reported for each year. The only exceptions to this are the addition of Simple Assault, Intimidation, and any other crime that involves bodily injury that is not already included in the required reporting categories. If a hate crime occurs where there is an incident involving Intimidation, Vandalism, Larceny, Simple Assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document. Note: A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's race, sexual orientation, etc., the assault is then also classified as a hate/bias crime.

### **Unfounded Crimes**

The Clery Act provides that an institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this

full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.”

There were no unfounded crimes in 2020, 2021 and 2022.

## APPENDIX 1 - Clery Definitions of Reportable Crimes

### Sex Offenses Definitions

**Rape:** Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. (*From the FBI's Summary Reporting System User Manual*)

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

**\*Incest:** non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**\*Statutory Rape:** non-forcible sexual intercourse with a person who is under the age of consent. (*\*From the National Incident-Based Reporting System User Manual*)

### OTHER CRIME DEFINITIONS as per the FBI's Summary Reporting System User Manual

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

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

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

**Criminal Homicide-Manslaughter by Negligence-**The killing of another person through gross negligence.

**Criminal Homicide-Murder and Non-negligent Manslaughter-**The willful (non-negligent) killing of one human being by another.

**Drug Law Violations:** Violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession,

transportation or importation of any controlled drug or narcotic substance, including: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadone); dangerous nonnarcotic drugs (barbiturates, benzedrine). Violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, making of narcotic drugs.

***Liquor Law Violations:*** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

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

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

***Weapon Law Violations:*** The violation of laws or ordinances prohibiting the Manufacture, Sale, Purchase, Transportation, Possession, Concealment, Use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Agencies must include: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

**See “Sexual Assault/Domestic Violence/Dating Violence/Stalking” on pages 29-32 for additional definitions.**

**Offense Definitions Relating to Hate/Bias Related Crime Statistics** as per the *Hate Crime Data Collection Guidelines and Training Manual*.

***Hate Crime:*** Includes all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes:

***Larceny/Theft:*** Includes, pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

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



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

***Destruction/Damage/Vandalism of Property:*** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control of it.

### **Hate Crimes: Categories of Prejudice**

***Race:*** A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind.

***Gender:*** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

***Gender Identity:*** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals.

***Religion:*** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

***Sexual Orientation:*** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

***Ethnicity:*** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

***National Origin:*** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and/or traditions.

***Disability:*** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

### **Geography Definitions from the Clery Act**

***On-Campus-Defined as:*** (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

***Non-Campus Building or Property-Defined as:*** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

***Public Property-Defined as:*** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

**APPENDIX 2 - Colby-Sawyer College Crime Statistics\* for 2020, 2021 and 2022**

<b>Offense (Reported by Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non- Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities</b>
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Rape	2022	1	0	0	1	1
	2021	3	0	0	3	3
	2020	1	0	0	1	1
Fondling	2022	1	0	0	1	1
	2021	1	0	0	1	1
	2020	1**	0	0	1**	1**
Incest	2022	0	0	0	0	0
	2020	0	0	0	0	0
	2020	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Burglary	2022	0	0	0	0	0
	2021	1	0	0	1	0
	2020	1	0	0	1	1
Motor Vehicle Theft	2022	1	0	0	1*	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Liquor Law Arrests	2022	5	0	0	5	5
	2021	3	0	10	13	3
	2020	0	0	0	0	0
Drug Law Arrests	2022	2	0	0	2	2
	2021	0	0	2	2	0
	2020	1	0	0	1	1
Weapons Law Arrests	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

\*The motor vehicle theft was a college owned golf cart moved from one part of campus to another by an unauthorized person.

\*\* A fondling incident was reported to have taken place in 2017.

**APPENDIX 2 (continued) - Colby-Sawyer College Crime Statistics\* for 2020, 2021 and 2022**

<b>Offense</b> (Reported by Hierarchy)	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities</b>
Liquor Law Violations Referred for Disciplinary Action	2022	24	0	0	24	23
	2021	32	0	0	32	32
	2020	59	0	0	59	59
Drug Law Violations Referred for Disciplinary Action	2022	16	0	0	16	11
	2021	14	0	0	14	14
	2020	26	0	0	26	26
Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

<b>Offense</b> (Crimes Not Reported by Hierarchy)	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities</b>
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Domestic Violence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Dating Violence	2022	1	0	0	1	1
	2021	1	0	0	1	1
	2020	1	0	0	1	0
Stalking	2022	1	0	0	1	0
	2021	2	0	0	2	2
	2020	1	0	0	1	0

There were no **Hate Crimes** reported at Colby-Sawyer College for 2020, 2021 and 2022.

### **APPENDIX 3 - Fire Safety Definitions**

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

**Cause of Fire** - The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire**- Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire Drill** - A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related Injury** - Any instance in which a person is injured as a result of a fire, including an injury unstained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

**Fire-related Death** - Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or who dies within one year of injuries sustained as a result of the fire.

**Non-Campus Student Housing** - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**On-Campus Student Housing** - A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

**Fire Safety System** - Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire, including:

- sprinkler or other fire extinguishing systems
- fire detection devices
- stand-alone smoke alarms
- devices that alert one to the presence of a fire, such as horns, bells, or strobe lights
- smoke-control and reduction mechanisms
- fire doors and walls that reduce the spread of a fire

**Value of Property Damage** - The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including:

- contents damaged by fire
- related damages caused by smoke, water, and overhaul.

**APPENDIX 4 - Colby-Sawyer Residential Facilities Fire Safety Systems 2022**

<b>Colby-Sawyer College Residential Facilities</b>	<b>Fire Alarm Monitoring by contracted 24/7 Dispatch Center</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plan Placards</b>	<b>Number of evacuation drills each calendar year</b>
Abbey Hall	x	x	x	x	x	1
Austin Hall	x	x	x	x	x	1
Best Hall	x	x	x	x	x	1
Burpee Hall	x	x	x	x	x	1
Colby Hall	x	x	x	x	x	1
Danforth Hall	x	x	x	x	x	1
Lawson Hall	x	x	x	x	x	1
McKean Hall	x	x	x	x	x	1
Rooke Hall	x	x	x	x	x	1
Shepard Hall	x	x	x	x	x	1
75 Seamans Rd.	x	x	x	x	0	1
81 Seamans Rd.	x	x	x	x	0	1
117 Gould Rd.	x	x	x	x	0	1
480 Main St.	x	x	x	x	x	1
452 Main St.	x	x	x	x	0	1

**APPENDIX 5 - Colby-Sawyer Residential Facilities Fire Statistics 2022**

<b>Colby-Sawyer College Residential Facilities</b>	<b>Total Fires in Each Bldg.</b>	<b>Fire Number</b>	<b>Date Reported</b>	<b>Date &amp; Time of Fire</b>	<b>Cause of Fire</b>	<b>Number of Injuries that Required Treatment in a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire</b>	<b>Incident Number</b>
Abbey Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Austin Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Best Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Burpee Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Colby Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Danforth Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Lawson Hall	0	0	NA	NA	NA	NA	NA	NA	NA
McKean Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Rooke Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Shepard Hall	0	0	NA	NA	NA	NA	NA	NA	NA
75 Seamans Rd.	1	1	3/29/22	3/29/22 11:29 PM	Stove Use	0	0	\$0	6474
81 Seamans Rd.	0	0	NA	NA	NA	NA	NA	NA	NA
117 Gould Rd.	0	0	NA	NA	NA	NA	NA	NA	NA
480 Main St.	0	0	NA	NA	NA	NA	NA	NA	NA
452 Main St.	0	0	NA	NA	NA	NA	NA	NA	NA

**APPENDIX 6 - Colby-Sawyer Residential Facilities Fire Statistics 2021**

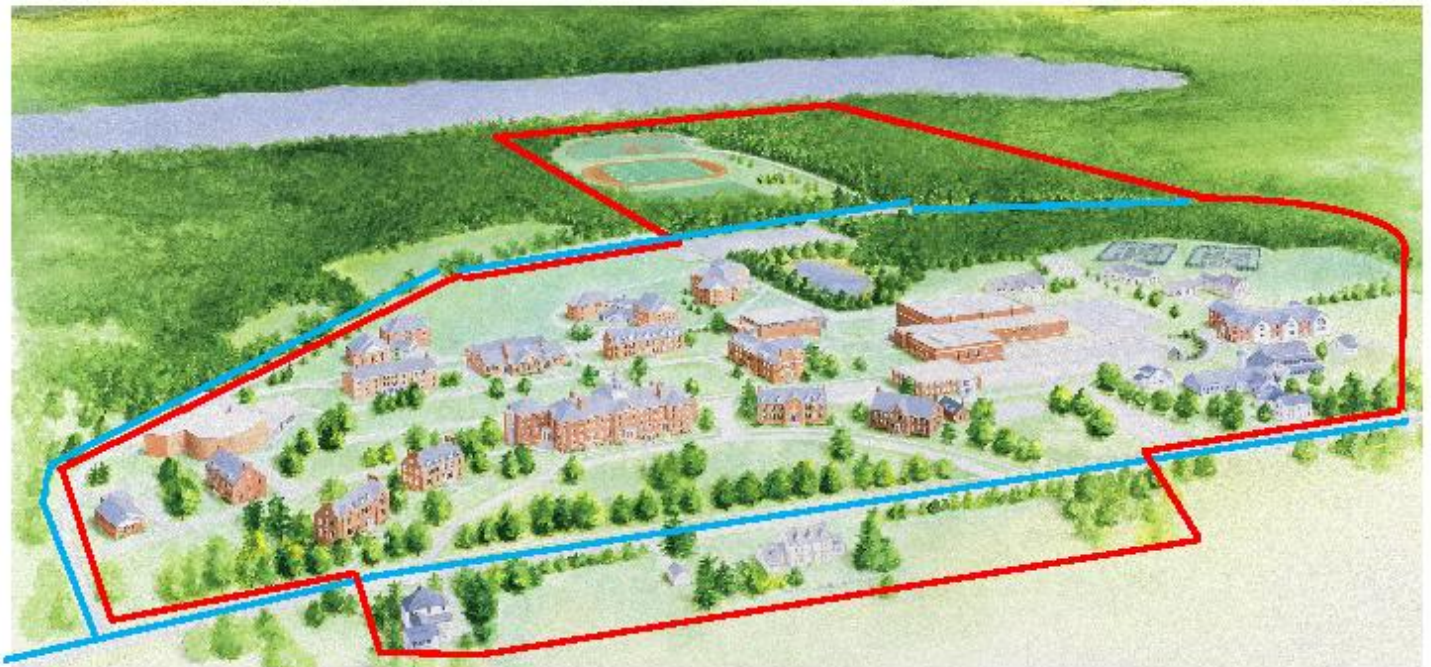
<b>Colby-Sawyer College Residential Facilities</b>	<b>Total Fires in Each Bldg.</b>	<b>Number Of Fire(s)</b>	<b>Date Reported</b>	<b>Date &amp; Time of Fire</b>	<b>Cause of Fire</b>	<b>Number of Injuries that Required Treatment in a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire</b>	<b>Incident Number</b>
Abbey Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Austin Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Best Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Burpee Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Colby Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Danforth Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Lawson Hall	0	0	NA	NA	NA	NA	NA	NA	NA
McKean Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Page Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Rooke Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Shepard Hall	0	0	NA	NA	NA	NA	NA	NA	NA
75 Seamans Rd.	0	0	NA	NA	NA	NA	NA	NA	NA
81 Seamans Rd.	0	0	NA	NA	NA	NA	NA	NA	NA
117 Gould Rd.	0	0	NA	NA	NA	NA	NA	NA	NA
480 Main St.	0	0	NA	NA	NA	NA	NA	NA	NA
452 Main St.	0	0	NA	NA	NA	NA	NA	NA	NA



**APPENDIX 7 - Colby-Sawyer Residential Facilities Fire Statistics 2020**

<b>Colby-Sawyer College Residential Facilities</b>	<b>Total Fires in Each Bldg.</b>	<b>Number Of Fire(s)</b>	<b>Date Reported</b>	<b>Date &amp; Time of Fire</b>	<b>Cause of Fire</b>	<b>Number of Injuries that Required Treatment in a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire</b>	<b>Incident Number</b>
Abbey Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Austin Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Best Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Burpee Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Colby Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Danforth Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Lawson Hall	0	0	NA	NA	NA	NA	NA	NA	NA
McKean Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Page Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Rooke Hall	0	0	NA	NA	NA	NA	NA	NA	NA
Shepard Hall	0	0	NA	NA	NA	NA	NA	NA	NA
75 Seamans Rd.	0	0	NA	NA	NA	NA	NA	NA	NA
81 Seamans Rd.	0	0	NA	NA	NA	NA	NA	NA	NA
117 Gould Rd.	0	0	NA	NA	NA	NA	NA	NA	NA
480 Main St.	0	0	NA	NA	NA	NA	NA	NA	NA
452 Main St.	0	0	NA	NA	NA	NA	NA	NA	NA

## APPENDIX 8 – Map of the “On-Campus” Boundaries for Clery Reporting



Defines campus perimeter: ————  
Defines public way: ————

College owned/leased property considered “on campus” that are not on the map: Grey House (117 Gould Road), White House (75 Seamans Road), Yellow House (81 Seamans Road), and Red House (452 Main Street). Properties contiguous to campus and so considered campus property include, London House (480 Main Street) and the President’s House (504 Main Street.)