

Title IX Sexual Harassment Policies and Procedures

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Introduction

Colby-Sawyer College does not tolerate sexual harassment. An act of sexual harassment represents a fundamental failure by a community member to recognize and respect the intrinsic worth and dignity of another. Acts of sexual harassment are harmful and 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 the possibility of 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.

This Title IX Sexual Harassment policy is based on definitions set forth in regulations promulgated by the U.S. Department of Education under Title IX of the Education Amendments Act of 1972, and this policy limits the scope of Title IX Sexual Harassment to, among other things, conduct that occurs within the United States and conduct that occurs within the college's education program or activity (a concept further defined and discussed below).

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 sexual misconduct policies: (1) this policy and (2) for students: the college's Code of Community Responsibility and for employees: employee handbook(s) 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 Title IX Sexual Harassment policy will be applied in the investigation and adjudication of all of the allegations.

For students access to the Code of Community Responsibility: <http://colby-sawyer.edu/assets/student-life/citizenship/code-of-conduct.pdf>

For employees access to employee handbook(s):
<https://testcolbysawyer.sharepoint.com/:b:/r/sites/myHR/HR%20Documents/0-CSC%20Employee%20Handbook%20FINAL.pdf?csf=1&web=1&e=ndyKs4>

The college's Sexual Misconduct policy applies only to certain conduct, as defined under that policy. Specifically, the college Sexual Misconduct policy applies 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. The college's Sexual Misconduct policy also applies to 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 the Title IX Sexual Harassment 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.

Notice of Non-Discrimination

Under institutional policy, as well as under state and federal law (including Title IX of the Education Amendments of 1972 and the Age Discrimination Act), Colby-Sawyer College does not discriminate in its hiring or employment practices

or its admission practices on the basis of gender, race or ethnicity, color, national origin, religion, age, mental or physical disability, family or marital status, sexual orientation, veteran status, genetic information, or gender identity.

The college recognizes that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with misconduct related to an individual's race, color, ethnicity, national origin, religion, age, or disability. Targeting individuals on the basis of these characteristics is also a violation of the college policy. Under these circumstances, the college will coordinate the investigation and resolution efforts outlined in these policies as well as the [Code of Community Responsibility](#) (for students) and [Employee Handbook](#) (for employees), to address harassment related to the targeted individual's sex, sexual orientation, gender identity or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, or disability.

Part I: 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.

The Title IX coordinator will:

The Colleges 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 [Code of Community Responsibility](#) (for students) and the college Employee Handbook(s) if/when allegations pertains the colleges Sexual Misconduct 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, that who will be 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 and deputy Title IX coordinators can be contacted by telephone, email, or in person during regular office hours.

Title IX Deputy Coordinators:

- [Lisa Lacombe](#) (students)
Director of Hogan Sports Center and Recreation
Hogan Sports Center, Room 001
541 Main Street
New London NH 03257
Phone: (603) 526-3757
- [Laura Sykes](#) (faculty)
Academic Vice President and Dean of Faculty
Colgate Hall, room 131
541 Main Street
New London NH 03257
Phone: (603) 526-3760
- [Heather Zahn](#) (staff)
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 Coordinators 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.

Part II: Terminology

The following definitions clarify key terminology as used in this policy.

- **Complainant** refers to the individual(s) who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.
- **Formal complaint** refers to a document filed by a complainant (meaning a document or electronic submission (such as by electronic mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the individual filing the formal complaint) alleging Title IX Sexual Harassment against a respondent and requesting that the college investigate the allegation of Title IX Sexual Harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the college. A formal complaint may be filed with the college Title IX Coordinator or Deputy Coordinators in person, by mail, or by electronic mail, by using the contact information provided in this policy, and by any additional method identified in this policy.
- **Formal complaint** may also refer to a document signed by the college Title IX Coordinator alleging Title IX Sexual Harassment against a respondent. Where the college's Title IX Coordinator signs a formal complaint, the college's Title IX Coordinator is not a complainant or otherwise a party.

- **Grievance Process** refers to the process that is initiated by a formal complaint, either by an individual or in some cases the Title IX Coordinator.
- **Party or parties** refer to the complainant(s) and the respondent(s).
- **Report** refers to information brought to the attention of an Official with Authority alleging conduct prohibited under this policy; a report is not considered to be a formal complaint. A party may bring a report and then subsequently file a formal complaint.
- **Respondent** refers to the individual(s) who has been alleged to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.
- **Third party** refers to any individual who is not a college student, a faculty member, or a staff member (e.g., vendors, alumni/ae, or local residents).
- **Witness** refers to any individual who shares information relating to an allegation of prohibited conduct under this policy.

Part III: Prohibited Conduct

This policy addresses Title IX Sexual Harassment, which encompasses all of the prohibited conduct described below that occurs on the basis of sex and meets all of the following requirements:

- Occurs within the United States; and
- Occurs within the college's education program or activity, meaning a) locations, events, or circumstances over which the college exercises substantial control over both the respondent and the context in which the Title IX Sexual Harassment occurs, and b) any building owned or controlled by a student organization that is officially recognized by the college; and
- At the time of filing a formal complaint, a complainant is participating in or attempting to participate in the education program or activity at the college.

Allegations of sexual misconduct that do not fall under this policy because they do not constitute prohibited conduct as defined in this section may constitute violation of the colleges Sexual Misconduct Policy.

For students access to the Code of Community Responsibility – Sexual Misconduct Policies: <http://colby-sawyer.edu/assets/student-life/citizenship/code-of-conduct.pdf>

For employee's access to employee handbook(s) – Sexual Misconduct Policies:
<https://testcolbysawyer.sharepoint.com/:b:/r/sites/myHR/HR%20Documents/0-CSC%20Employee%20Handbook%20FINAL.pdf?csf=1&web=1&e=uMnW50>

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.

Prohibited behaviors are:

- **Quid Pro Quo Sexual Harassment:** An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct;
- **Title IX Sexual Harassment:** Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the college's education program or activity;
- **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. This includes the following:
 - **Rape:** The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
 - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by an individual with whom the victim shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by an individual similarly situated to a spouse of the victim 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 victim 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. 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.
- **Dating Violence:** Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the victim. 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.
- **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, device, or means, follows, monitors,

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 victim. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- **Retaliation under this policy:** 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.

Complaints alleging retaliation under this Title IX Sexual Harassment 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, the exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this policy; and charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy 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.

For purposes of this policy, consent is defined as follows:

- **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:

- Consent to one act does not constitute consent to another act.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- The existence of a prior or current relationship does not, in itself, constitute consent.
- Consent can be withdrawn or modified at any time.
- Consent is not implicit in an individual's manner of dress.
- Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- Silence, passivity, or lack of resistance does not necessarily constitute consent.
- 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 Title IX Sexual Harassment as defined by this policy.

Part IV: 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 IX.9](#).
- 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 Title IX grievance process (and either party may appeal this dismissal, as discussed below). However, if appropriate, the college's Title IX Coordinator may refer the matter to the college's Sexual Misconduct process or to another office for review.

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 XII](#).

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.

Part V: 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.

1. 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. See [Appendix A](#) for a complete list of Confidential Resources on campus.

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. See [Part XI.1](#).

2. 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.

3. 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.

4. Release of Information

If the Department of Campus Safety becomes aware of a serious and continuing threat to the campus community, the Department of Campus Safety may issue a timely warning in accordance with federal regulation to protect the health or safety of the community. The Department of Campus 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.

Part VI: 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 that are available to provide support to parties and witnesses are described in further detail in [Appendix A](#).

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

- Request supportive measures from the college Title IX Coordinator (see [Part VII](#));
- File a formal complaint with the college Title IX Coordinator, thereby invoking the college's internal grievance process (see [Part IX](#));
- Contact the Department of Campus Safety for assistance in filing a criminal complaint and preserving physical evidence (see [Appendix A](#)); and/or
- Contact local law enforcement to file a criminal complaint (see [Appendix A](#)). 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 (see [Appendix A](#)).

1. 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 contact the Department of Campus Safety by dialing (603)526-3300 or contacting local law enforcement (see [Appendix A](#)).

In non-emergency situations, employees (other than those formally designated as Confidential Resources under this policy (see [Part VI.1](#)) 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).

2. 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 [Part VI.1](#).

3. 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.

4. 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.

Part VII: Supportive Measures for Complainants and Respondents

Upon receipt of a report or formal complaint of a violation of this policy, the college, through the college Title IX Coordinator, 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 harassment. 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.

Part VIII: 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.

Part IX: Grievance Procedures for Title IX Sexual Harassment 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

All individuals who have responsibilities in administering the grievance process under this policy must be free of any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and will be trained as provided by federal regulations. Parties will be notified at the appropriate

junctures of the identities of the individuals serving as investigators, Hearing Board members, and Appeal Panel members. 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. If the college Title IX Coordinator concludes that the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.

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 (see [Part IV](#)) 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 take into account 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 (see [Part XI.3.b](#))

6. Advisers

Throughout the grievance process, each party may have an adviser of their choice; parties may change their adviser at any time during the grievance process. An adviser is an individual chosen by a complainant or a respondent to provide guidance during the grievance process. An adviser may be a member or non-member of the college community, and may be an attorney.

The role of the adviser is narrow in scope: the adviser may attend any interview or meeting connected with the grievance process, but the adviser may not actively participate in interviews and may not serve as a proxy for

the party. The adviser may attend the hearing and may conduct cross-examination of the other party and any witnesses at the hearing; otherwise, the adviser may not actively participate in the hearing.

If a party does not have an adviser present at the hearing to conduct cross examination, the college will provide without fee or charge to that party an adviser selected by the college (who may be, but is not required to be, an attorney) to conduct cross-examination of the other party and/or any witnesses.

Any individual who serves as an adviser is expected to make themselves available for meetings and interviews throughout the investigation process, as well as the hearing, as scheduled by the college. The college (including any official acting on behalf of the college such as an investigator or a hearing panelist) has the right at all times to determine what constitutes appropriate behavior on the part of an adviser and to take appropriate steps to ensure compliance with this policy.

7. 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.

8. Consolidation

The college Title IX Coordinator has the discretion to consolidate multiple formal complaints as to allegations of Title IX Sexual Harassment 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 Title IX Sexual Harassment arise out of the same facts or circumstances.

9. 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 the college's sexual misconduct policies) 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.

10. 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 and taking into account 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.

Part XI. Investigation and Adjudication

1. 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, adviser, 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.

2. 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.

a. 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 adviser 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.
- 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.

b. 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 (see [Part XI.3.b.](#)) 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.

c. 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 adviser 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 advisers. 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 advisers 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.

d. 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 advisers the final copy of the investigative report via electronic format.

3. 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 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 (see [Appendix B](#)).

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 (See [Appendix A](#)). 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 adviser.

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 (as described in [Part XI.3.e.](#))

Board Officer: Title IX Sexual Harassment Hearing Boards will also have a hearing board officer assigned to the case. The hearing board officer 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 officers are not members of the hearing board and do not have influence with any decisions made by the hearing board.

At least five (5) business days prior to the hearing, the parties and their advisers 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 Officer to review the Title IX Sexual Harassment Hearing Boards procedures.

At least (3) 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 Officer 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.

a. 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.

b. 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.

c. 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 advisers to conduct cross examination of the other party and/or of relevant witnesses.

The parties' advisers will have the opportunity to cross examine the other party (and witnesses, if any). Such cross examination must be conducted directly, orally, and in real time by the party's adviser 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 adviser, the Hearing Board must first determine whether the question is relevant and explain any decision to exclude a question that is deemed not relevant.

d. 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.

e. Findings Letter

Following the hearing, the Hearing Board will consider all of the relevant evidence and deliberate regarding responsibility. The Hearing Board shall make a determination, 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 advisers will simultaneously be provided with the written determination via electronic format.

4. 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 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. Please refer to [Appendix B](#) for definitions of sanctions that could be imposed.
- **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](#) for the definition that could be imposed under this policy.

Remedies

Remedies are designed to restore or preserve the complainant's educational access. These remedies may be some of the same individualized services that the college offers as a supportive measure. But because the respondent has now been found responsible for Title IX Sexual Harassment, remedies may burden the respondent. For example a complainant's remedies may include a one-way no-contact order against the

respondent that forbids that respondent from participating in the same extracurricular club or team that the complainant has joined.

Part XII: 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 advisor assigned to the case. The appeal board advisor 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 advisors 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:

- A. Upon the dismissal of a formal complaint or any allegations therein.
- B. 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; (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 and/or (4) the sanction(s) is not appropriate for the violation(s) found responsible for violating.

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 written statement and may submit a written response, not to exceed 2500 words, 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 advisor of the hearing board, and any alleged “new information” in an appeal based, in whole or in part, or 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 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 parties request/intent to appeal, the party making the request you 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. Any section completed outlined in the Electronic Appeal Form may not exceed 2500 words. All appeal 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, not to exceed 2500 words, within five (5) 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 advisers 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.
- If the Appeal Board finds that the sanctions (or recommended sanctions) are not commensurate with the violation, the matter will be remanded to the original hearing board for reconsideration.

The Appeal review will seek to complete the appeal review within twenty (20) 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).

Part XIII: Training

The college will provide appropriate training to college officials with responsibilities under this policy, including the college Title IX Coordinator/Deputy Coordinators, employees in the Department of Citizenship Education, investigators,

Hearing Board members, Appeal Board members. Such training will cover the definition of Title IX Sexual Harassment, the scope of the college's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes under this policy, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The college will ensure that Hearing Board members receive training on any technology to be used at a hearing and on issues of relevance of questions and evidence, including questions and evidence about the irrelevancy of complainant's sexual predisposition or prior sexual behavior. The college will ensure that investigators receive training on issues of relevance in order to create an investigative report that fairly summarizes relevant evidence. These training materials are publicly available on the college's Title IX website and will be made available for in-person review upon request made to the Title IX Coordinator. In addition, college officials with responsibilities under this policy will receive training related to intersectionality. For Title IX Information pertaining to training and programing refer <https://colby-sawyer.edu/inform/title-ix-information>

Part XIV: Record Retention

The college will maintain for a period of seven years records of the following:

- Each Title IX Sexual Harassment grievance process conducted under this policy, including any determination regarding responsibility and any audio or audiovisual recording or transcript from a hearing, any disciplinary sanction imposed on the respondent, and remedies provided to the complainant designed to restore or preserve access to the college's education program or activity;
- Any appeal and the result therefrom; and
- All materials used to train college Sexual Misconduct and Title IX Coordinator/Deputy Coordinators, investigators, Hearing Board members, Appeal Board members with regard to Title IX Sexual Harassment;
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of Title IX Sexual Harassment. In each instance, the college's Title IX Coordinator will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the college's educational and working program or activity. If the college does not provide a complainant with supportive measures, then the college will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.
- For information on the Students Transcript Notions refer to Student Official Transcript Notation located in the [Code of Community Responsibility](#).
- For information on Employment Record Notations refer to the college's Human Resources Department [Employee Handbook](#).

Part XV: Modification and Review of Policy

Colby-Sawyer College reserves the right to modify this policy to take into account applicable legal requirements or extraordinary circumstances.

At regular intervals, the college will review this policy to determine whether modifications should be made.

Appendix A: Campus Resources, Confidential Resources and Law Enforcement

1. Campus Resources

- **Vice President of Student Development and Dean of Students: Title IX Coordinator**
 - [Robin Burroughs Davis](#)
Phone: (603) 526-3752
Address: Room 105 Ware Student Center
- **Title IX Deputy Coordinators**
 - [Lisa Lacombe](#) (students)
Phone: (603) 526-3775
Address: Room 001 Hogan Sports Center
 - [Laura Sykes](#) (faculty)
Phone: (603) 526-3760
Address: Room 131 Colgate Hall
 - [Heather Zahn](#) (staff, administration and visitors)
Phone: (603) 526-3584
Address: Room 230A Colgate Hall
- **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.

2. 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). For more information about confidentiality and Confidential Resources, see [Part V](#).

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

3. Emergency Resources 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

Appendix B: Range of Sanctions under this Policy

Members of the college community may be subject to disciplinary sanctions for violating this policy.

1. Sanctions Applicable to Students

The following sanctions may be imposed on any student found to have violating this policy. This is not an exhaustive list of sanctions. Although sanctions may be imposed individually, most often time's findings of responsibility will result in various combinations to ensure the educational essence is emphasized throughout this process.

Educational focus type sanctions example (applies to all students):

- a. **Warning:** A letter that informs the student that she/he violated college policy and a notice that another violation will likely result in a more severe sanction which could include a college probation, suspension, or dismissal.
- b. **Restitution:** Reimbursement for damage to, destruction of, or misappropriation of, college property or any property of any member of the college community. The student may also be required to provide service appropriate to the violation (e.g. cleaning/repairing a vandalized area etc.).
- c. **Educational Programs and Assignments:** The student is required to complete a project and/or assignment specifically relevant to the policy violation(s). Some examples of educational programs and assignments are but not limited to: informative/research paper or presentation; reflection paper; bulletin board; appointments with Baird Health and counseling and/or outside counseling service at the students cost; anger management training; and 3rd Millennium Classroom Alcohol or Marijuana Course.
- d. **Fines:** A sum of money, independent of restitution, assessed against an individual. Fines are to be paid through the Colby-Sawyer Storefront located on the Financial Services [Web page](#). Refer to the findings letter for specifics on how to pay the fine.
- e. **Behavioral Agreement/Contract:** A statement of agreement between the student and a hearing forum or college official (1) acknowledging the infraction(s) of the Code, (2) identifying a behavior/action plan, and (3) agreeing to the specified consequence(s) of failure to adhere to the behavior/action plan.
- f. **Loss of Privileges:** The removal of certain student privileges, including but not limited to the following: the privilege to host guest on campus; the privilege to host guest in the student's assigned residence halls space or other college buildings; the privilege to have stereos or other sound equipment in your residence hall space; the privilege to participate in extra-curricular activities such as activities on campus or hosted by the college; participation in senior week activities; the privilege to participate in a club activity or dance; or the privilege to apply to reside in certain residence hall spaces such as college housing.

Traditional Residential Students (to include residential students who reside in college housing):

- g. **Disciplinary Probation** is a designated period during which additional behavior in violation of college regulations will likely constitute grounds for further disciplinary action. The hearing officer or forum will determine the length of the sanction and determine if there are particular conditions and/or restrictions attached to the status. Further violations of the Code could result in sanctioning which includes, but is not limited to: housing contract probation; housing contract revocation; suspension; or dismissal from the college. During this probationary period a student's scholarship may be affected. For questions about whether scholarships are affected, the student should contact the [Financial Aid Office](#). Any student who falls under the college's residency requirement whose housing has been revoked for disciplinary reasons is required to pay the room and board portion of the

housing contract as long as they are enrolled at the college. 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, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

- h. **Housing Contract Probation** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for more serious disciplinary action. The hearing officer or forum will determine the length of the probation and determine if there are particular conditions and/or restrictions attached to the status. Further violations of the Code could result in sanctioning which includes, but is not limited to: housing contract revocation; suspension; or dismissal from the college. During this probationary period a student may be ineligible for college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether scholarship(s) are affected, the student should contact the [Financial Aid Office](#). Any student who falls under the college's residency requirement whose housing has been revoked for disciplinary reasons is required to pay the room and board portion of the housing contract as long as they are enrolled at the college. The college reserves the right to contact a student's parents or legal guardians to inform him/her 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, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- i. **Housing Contract Revocation:** Housing contract revocation is defined as a designated period during which a student is prohibited from living or visiting in college owned or leased residence halls and buildings. Further violations of the Code could result in sanctioning which includes, but is not limited to: permanent housing contract revocation; suspension; or dismissal from the college. The hearing officer or forum will determine the length of the revocation and determine if there are particular conditions and/or restrictions attached to the status. During this time of housing contract revocation, a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. Questions about whether scholarship(s) are affected, the student should contact the [Financial Aid Office](#). Any student who falls under the college's residency requirement whose housing has been revoked for disciplinary reasons is required to pay the room and board portion of the housing contract as long as they are enrolled at the college. The college reserves the right to contact a student's parents or legal guardians 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; suspension; or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- j. **College Housing Properties Contract Revocation:** If a student living in college housing is found responsible for a policy violation that would typically result in Housing Contract Probation, it is likely that he or she will lose the privilege of living in the college housing property and will be provided the option to return to housing on-campus at the discretion of the college. Examples of incidents that could result in this revocation could include, but is not limited to, policy violations in the following areas: failure to register a social function; violation of social function agreement; alcohol; disorderly

conduct; failure to comply; occupancy/trespassing; drugs; endangering behaviors; harming behaviors; weapons/firearms; and hazing. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

Non-Residential Students (Commuter Students):

- k. **Visitation probation** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for further disciplinary action to include but not limited to: visitation restriction; visitation revocation; suspension; or dismissal. The hearing officer or board will determine the length of the probation and determine if there are particular conditions and/or restrictions attached to the status. This probation does not limit a student in regards to where he or she can visit. During this probationary period, it is expected that the student will become fully knowledgeable about the Code of Community Responsibility and not violate the policies set forth in the document. During this time of visitation probation, a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. Questions about whether scholarship(s) are affected, the student should contact the [Financial Aid Office](#). The college reserves the right to contact a student's parents or legal guardians 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; suspension; or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- l. **Visitation restriction** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for more serious disciplinary action including, but not limited to: visitation revocation of college housing; and/or suspension or dismissal from the college. The hearing officer or forum will determine the length of the restriction and determine if there are particular conditions and/or restrictions attached to the status. This visitation restriction means that a student may only visit college owned or leased residential buildings between the hours of 7 a.m. – 7 p.m., Friday, Saturday and 7 a.m. – 9 p.m. Sunday, Monday, Tuesday, Wednesday, and Thursday. To visit the residential building non-residential student is required to be with a residential student at all times and must follow the same guidelines as any other guest of Colby-Sawyer College. Non-residential students on this restriction may not register as an overnight guest. During the visitation restriction period a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the [Financial Aid Office](#). The college reserves the right to contact a student's parents or legal guardians to inform him/her 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 visitation restriction, visitation revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- m. **Visitation revocation** means that a student may NOT visit college owned or leased residential buildings. If for any reason a student who has had his or her visitation privileges revoked believes he or she needs to enter a residential building that is owned or leased by Colby-Sawyer College, that student must receive explicit permission by a professional department member from the Department of Residential Education, Campus Safety, Citizenship Education or the vice president/dean of students. If the student receives permission to enter a college owned or leased residential building that student must be accompanied by a professional department member from Residential Education or Campus Safety. Violations of this revocation will more than likely result in

an extension of the revocation period and or further disciplinary action to include suspension or dismissal. During the time that a student's visitation privilege has been revoked, a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the [Financial Aid Office](#). The college reserves the right to contact a student's parents or legal guardians to inform him/her if a student has been found responsible for violating the college's alcohol policy and you are 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 visitation restriction, visitation revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

All students – probationary suspension, suspension and dismissal

- n. **Probationary Suspension:** is defined as the highest level of probationary status, which will remain in place for a designated period of time. The hearing officer or board will determine the length of the probation and determine if there are particular conditions and/or restrictions attached to the status. Any violation(s) of specified policies, regardless of seriousness, which occurs during the probationary suspension period, will more than likely result in immediate activation of the suspension or dismissal from Colby-Sawyer College. During this probationary period the student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the [Financial Aid Office](#). Any student who falls under the college's residency requirement whose housing has been revoked for disciplinary reasons is required to pay the room and board portion of the housing contract as long as they are enrolled at the college. The college reserves the right to contact a student's parents or legal guardians to inform him/her if a student has been found responsible for violating the college's alcohol policy and you are 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, visitation restriction, visitation revocation, housing contract revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- o. **Suspension:** Suspension from Colby-Sawyer College means separation from the college for a specified period of time after which the student may re-enroll or re-apply for re-admission. A suspended student is subject to arrest for trespass and is not allowed on college grounds without the prior written authorization by the vice president of student development and dean of students, the director of Campus Safety or his/her designee. In order to be eligible for readmission, the student must complete all portions of assigned the sanctions that the hearing officer or forum may additionally assign and be cleared by the Department of Citizenship Education. During the time of the suspension a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the [Financial Aid Office](#). The college reserves the right to contact a student's parents or legal guardians to inform him/her 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, visitation restriction, visitation revocation, housing contract revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

- p. **Dismissal** is a permanent separation from the college with no opportunity to re-enroll or re-apply for re-admission. A dismissed student is subject to arrest for trespass and is not allowed on college ground without prior authorization from the vice president of student development and dean of students, the director of Campus Safety or his/her designee. If for any reason the student believes he or she needs to enter Colby-Sawyer College property or Colby-Sawyer sponsored events after the date and time of your dismissal separation, the student must receive explicit permission from the vice president and dean of students, the director of Campus Safety or his/her designee. If the student receives permission to enter Colby-Sawyer College property or college sponsored event, the student must be accompanied by a professional department member from Residential Education or Campus Safety. The college reserves the right to contact a student's parents or legal guardians to inform him/her 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, visitation restriction, visitation revocation, housing contract revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
1. The following sanctions may be imposed upon registered student club and/or organization:
 - a. The sanctions listed above in Part III.F.1, "a" through "f".
 - b. Loss of club/organization recognition: Loss of all college privileges for a designated period of time.
 - c. Loss of club/organization recognition for more than two consecutive semesters requires an organization to re-apply for college recognition. Conditions for future recognition may be specified.
 2. **Aggravated Violations:** If a student is responsible for violation of any college policy that is directed toward an individual or group due to race, ethnicity, ancestry, national origin, religion, gender, sexual orientation, gender identity, or expression, age, physical or mental disabilities, including learning disabilities, intellectual development, disorders, and past/present history of mental disorder the hearing officer or hearing forum may increase the sanctions.

2. Sanctions Applicable to Faculty and Staff Members

Sanctions 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. The college may place a faculty or staff member on administrative leave during the pendency of a grievance process, provided that such action shall not modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. Contact the college's Human Resources Department for definition that could be imposed under this policy.

3. Sanctions Applicable to Non-Members of the College Community

For violations of this policy by non-members of the college community, including alumni, disciplinary sanctions may include being temporarily or permanently banned from the college or subject to other restrictions.