



Annual Security Report

and

Annual Fire Report

October 18, 2023

Included: Clery crime/fire data for calendar year 2022

Plymouth State University
University Police Department
17 High Street, MSC 12
Plymouth, NH 03264
plymouth.edu/office/police

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## Notice of Combined Annual Security Report and Annual Fire Report Availability

Plymouth State University's combined *Annual Security Report and Annual Fire Report* is required by federal law and contains policy statements and crime statistics for the University. The policy statements address University policies, procedures, and programs concerning safety and security (for example, policies for responding to emergency situations and sexual offenses). Three years' worth of statistics are included for certain types of crimes that were reported to have occurred on campus, in or on off-campus buildings or property owned or controlled by the school and on public property within or immediately adjacent to the campus. This report is available at [plymouth.edu/office/police](http://plymouth.edu/office/police). You may also request a paper copy from Plymouth State University Police Department (UPD) located at 2 High Street (Mailing address: MSC 12 17 High Street, Plymouth, NH 03264) or by calling (603) 535-2330.

## Disclosure of Crime Statistics

The UPD prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. More information about the Clery Act can be found on our website at [plymouth.edu/office/police/legal-links/clery-act](http://plymouth.edu/office/police/legal-links/clery-act).

This report is prepared with information from local law enforcement agencies surrounding our main campus and alternate sites. The report is prepared jointly with the Office of Student Conduct and Community Standards. Campus crime, arrests, and referral statistics include those reported to the UPD, Dean of students, designated campus officials (including but not limited to directors, deans, department heads, and athletic coaches), and local law enforcement agencies. Each year, an e-mail notification is made to all enrolled students that provides the website to access this report. Faculty and staff receive similar notification.

Non-identifiable information is solicited from confidential resources including the Counseling center, health services, clergy, and the area sexual violence crisis shelter.

## Issuing Timely Warnings

In the event that a situation arises, either on or off campus, that in the judgment of the director of UPD constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning will be issued through University e-mail, text alert, and web systems to students, faculty, and staff. In all situations that could pose an immediate threat to the community and individuals, the timely warning will also be placed on the UPD website. A copy of the warning can be posted in each residential area. Anyone with information warranting a timely warning should report the circumstances to the UPD by phone: (603) 535-2330, or in person: 2 High Street, Plymouth, NH.

## Emergency Notification Policy

When University officials are made aware that there is a significant emergency or dangerous situation involving the immediate threat to the health or safety of a student or employee, emergency personnel are immediately contacted and will respond to the location to evaluate the threat or emergency.

Emergency responders from UPD, Plymouth Police Department, and Plymouth Fire Department are available 24 hours a day to respond to these situations.

Emergency services can be contacted by calling 911, by activating one of the emergency blue phones located throughout the campus, or by calling the Police Emergency Communication Center at (603) 536-1626.

If the emergency responders determine that there is an immediate threat to the safety and/or health of students, faculty, or staff, emergency communications will be disseminated.

Plymouth State University maintains several emergency communications capabilities listed below:

- **RAVE Emergency Text Alert System:** The PSU emergency text system is the most immediate means of communication. Students, staff, and faculty must register for this in order to receive this service. Students may add a parent/guardian phone number as a secondary contact. This service is also available to the larger, local community.
- **University e-mail:** Plymouth State University will e-mail information about the event along with further instructions (simultaneously with text alerts).
- **University website:** Plymouth.edu will be updated with information about the event along with further instructions.
- **University Outdoor Alert Siren:** The outdoor alert is a siren that notifies the campus and surrounding community of imminent danger. The siren is centrally located on campus, on High Street between Hyde Hall, the HUB (student union), and Geneva Smith Hall. The siren is audible for approximately a one-mile radius. The University participates in announced testing twice a year (at noon on the third Wednesdays in September and February) and otherwise will sound the alarm only when there is threat of imminent danger to those in the campus community.

**The threats of imminent danger may include, but are not limited to:**

- tornado warning (not a watch),
- actively violent/armed individual,
- explosion/hazardous material release,
- suspected weapons of mass destruction.

**In the event that the siren is activated, individuals on campus will be instructed to:**

- assess the situation,
- take cover indoors immediately,
- check for text messages,
- check PSU's website,
- call the PSU Alert Line at (603) 535-3535 (on and off campus).

The University Outdoor Alert Siren can be activated from the Plymouth Police Department Communications Center. The Center is staffed 24 hours a day and all communications specialists are trained on activation procedures. All UPD officers are equipped with portable radios that can communicate with the Center to request siren activation. All police vehicles are also equipped with mobile radios that can communicate with the Center.

When faced with a significant emergency or dangerous situation involving the immediate threat to the health or safety of a student or employee, any emergency personnel can, without delay, contact the Plymouth Police Department Communications Center and initiate the outdoor alert siren.

### How to Report Criminal Offenses

To report a crime: Contact UPD at (603) 535-2330 (non-emergencies), call 911 on your phone (emergencies only), or activate the blue telephones located in various areas on campus. By activating the 911 system, you will be connected with a State of NH public safety answering point who will send emergency services to your location or connect you with police/fire or emergency medical services.

You may also use the red button on the blue telephones to call any campus extension.

It's important to know that the UPD non-emergency line (535-2330) goes directly to the UPD station located on campus at 2 High Street. After hours, these calls are answered by the Plymouth Police Department Communications Center, located off campus at 334 Main Street in Plymouth, NH. The Center is staffed 24 hours a day, seven days a week, 364 days of the year. The communications specialist who will receive your call after hours will radio dispatch UPD to your location and/or refer you to be contacted by a University police officer.

Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings, or around any residential facility should be reported to the police department. In addition, you may report a crime during normal business hours to the Office of the Dean of Students at (603) 535-2206.

University police, in conjunction with the Plymouth and Holderness police, have working relationships and use the same police communications system. Each department assists the other within their jurisdictions during mutual investigations, arrests, and calls for service. UPD personnel attend regular meetings and are members of many law enforcement organizations with local law enforcement agencies to exchange ideas and problems which may be of concern for the University community.

|                             |                |
|-----------------------------|----------------|
| University Police           | (603) 535-2330 |
| Student Conduct             | (603) 535-2206 |
| Title IX Coordinator        | (603) 535-2206 |
| Student Affairs/Frost House | (603) 535-2206 |

### Voluntary Confidential Reporting

If the victim of a crime does not want to pursue action within the University System or the criminal justice system, they may still want to consider making a confidential report. With their permission, the director of UPD, a designee of UPD, Title IX Coordinator, or the Student Conduct Office can file a report on the details of the incident without revealing their identity. The purpose of a confidential report is to comply with the wish of the reporting party to keep the matter confidential, while taking steps to ensure the future safety of the reporting party and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. You may also anonymously submit your report or a tip of a crime with the Silent Witness Reporting Form ([plymouth.edu/office/police/student-services/reporting-a-crime](http://plymouth.edu/office/police/student-services/reporting-a-crime)) or by calling the Campus Tips line at (603) 535-8477. When calling this line, you do not need to leave your name. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

### Security and Access

Academic buildings are generally closed to the public except via one main door during normal business hours. All other access is by PSU ID card/access control system. The schedule of openings and closings vary depending on academic needs and the time of the year. Some of the academic building doors lock and unlock electronically on a schedule developed by the building users and input from facilities services. University Police do random door checks after hours.

Residential facilities are kept locked 24 hours a day, seven days a week, even in the summer. The exception to this would be on move-in/move-out periods when doors are opened for the ease of moving. During these times, there is a heavy presence of University police and residential staff.

University police patrol the campus on foot and in vehicles and routinely enter residential areas to check in with the on-duty residential staff and assist them when needed.

Physical Plant staff members are available to respond 24 hours a day to safety-related maintenance issues and also to report these activities and findings to safety officials on campus. The University employs a locksmith who is available to respond to all safety-related issues of door or building access. Representatives from UPD and

Residential Life keep in close communication regarding safety concern on campus, and a representative from the UPD holds a position on the University's Safety Committee.

### Campus Law Enforcement Authority

The UPD provides policing services 24 hours a day, seven days a week. They are staffed with certified police officers authorized to provide services throughout both communities of Plymouth and Holderness. University police officers are trained NH law enforcement officers who are certified by NH Police Standards and Training Council. More information about NH certified police officers can be found at [pstc.nh.gov](http://pstc.nh.gov).

By way of agreements with the towns of Plymouth and Holderness, the University police are the primary responders to criminal matters and security needs on the Plymouth and Holderness campuses. They are also responsible for the apprehension and prosecution of criminal offenders on the campus of Plymouth State University. University police have complete authority to arrest anyone involved in illegal acts on or off campus. When students are believed to be in violation of the University's Student Rights and Code of Conduct the UPD may refer the matter to the Office of the Dean of Students. UPD personnel work closely with local state agencies and have direct radio communication with the Plymouth Police Department on the Plymouth Police Department Communications Center radio frequency.

By mutual agreement with state and federal agencies, The UPD have access to a National Law Enforcement Telecommunications System (NLETS) connection. Through this system, police personnel can access the National Crime Information Computer system. These computer databases are used for accessing criminal history data, nationwide police records, and driver/vehicle identification information, as well as other local, state, and federal law enforcement information.

Policing needs that occur off campus are generally served by local police. The Plymouth Police Department provides police communications/dispatching for the UPD. All telephone calls to UPD are answered by the Plymouth Police Department after business hours. University police are able to communicate with state police and sheriff's department via police radio. The University also maintains a system of emergency blue phones throughout the campus. Twenty-two of these phone are located on campus and will connect the caller, by the push of a button, to a 911 public safety answering point where police, medical services, or the fire department will be immediately dispatched to the emergency phone's location.

Student security officers have no law enforcement authority, but do assist the UPD with parking enforcement and door locks and unlocks, and generally assist with student safety concerns.

### Accurate and Prompt Crime Reporting

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents to the UPD in a timely manner. To report a crime or an emergency on campus, call (603) 535-2330 or 911. To report a non-emergency security or public safety-related matter, call UPD at (603) 535-2330. Dispatchers are available at these respective telephone numbers 24 hours a day to answer your call. In response to a call, UPD will take the required action, dispatching an officer to the reporting party's location or requesting that the reporting party meet at UPD to file an incident report. Plymouth Police can be contacted at (603) 536-1626 or 911 in emergencies. More information about the Plymouth Police can be found at [plymouthpd.org](http://plymouthpd.org).

### Counselors and Confidential Crime Reporting

Each year, the Director of Public Safety and Emergency Management communicates with the entire campus community, encouraging pastoral counselors and professional counselors, if appropriate, to inform the person they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. See Appendix B for copy of the communication.

## Security Awareness Programs for Students and Employees

Before the University begins in the fall, the UPD meets with all residential hall directors. University Police also meet with students and the community and talk about safety matters, emergency protocols, and methods to contact emergency services. Students are encouraged to safeguard their property and not to walk alone at night. The UPD offers property registration and SafeWalk programs ([plymouth.edu/office/police/student-services](http://plymouth.edu/office/police/student-services)).

Students receive communications from the University Administration when popular professional athletic teams are competing in championship events. Students are encouraged to be proactive, positive bystanders and are warned of the dangers of being near outdoor celebrations or areas where injury could occur. University Police actively participate in Rape Aggression Defense (RAD) programming.

## Criminal Activity Off-Campus

When a University student is involved in an off-campus offense, University police officers may be asked to assist with the investigation in cooperation with local, state, or federal law enforcement. Plymouth and Holderness police routinely work and communicate with campus officers on any serious incidents occurring off campus or in the immediate neighborhood and business areas surrounding campus.

UPD and local police (Plymouth and Holderness) share the same police radio frequencies, and all three departments receive police radio/dispatch communications services from the Plymouth Police Communications Center. All police radio traffic and telephone calls to the Plymouth Police Department are recorded. UPD shares the same police reporting software with the Plymouth Police and the same police log information as do the Plymouth and Holderness Police. University Police can monitor the police logs from Plymouth and Holderness Police at any time. Each week UPD forwards to the Office of the Dean of Students a complete list of those arrested on or off campus, and the Plymouth Police Department forwards to UPD and the Student Conduct Office a weekly activity report outlining arrests, investigative reports, and calls for service from the Plymouth Police Department that occur off campus. UPD forwards to the Student Conduct Office (in the form of electronic Maxient reports) any arrest information regarding students on or off campus, as well as reporting to the dean of students matters in which students are in need of service or are in dangerous situations.

University police regularly attend meetings with local officials known as the Campus Community Council (CCC) where off-campus concerns are addressed with University representatives, off-campus landlords, local police, local residents, elected officials, health officials, and fire and emergency medical services.

Plymouth State University operates no off-campus housing or off-campus student organization facilities. However, many graduate students and some undergraduate students live in the neighborhoods surrounding Plymouth State University. While Plymouth Police Department has primary jurisdiction in all areas off campus, University officers can and do respond to student-related incidents, or when needed for other matters, that occur in close proximity to campus. Plymouth State University officers have direct radio communications with the Plymouth Police, Plymouth Fire and Rescue Department, and state and county Sheriff's Department to facilitate rapid response in any emergency situation.

## Alcoholic Beverages

The possession, sale, or the furnishing of alcohol on the University campus is governed by Title XIII Chapter 179 of New Hampshire's Criminal code. The enforcement of alcohol laws on campus is the primary responsibility of the UPD. Only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the UPD. Violators are subject to University disciplinary action, criminal prosecution, fine, and imprisonment. It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the University.

### Illegal Drug Possession

The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the UPD. Violators are subject to University disciplinary action, criminal prosecution, fine, and imprisonment.

### Substance Misuse Education

The Counseling Center offers substance abuse education and counseling free of charge to any full-time student that seeks this service.

All first-year students are encouraged to complete 3rd Millennium Classroom online courses, *Alcohol Wise*, *Marijuana Wise*, and *Consent and Respect* and Get Inclusive modules, *Voices for Change*, prior to their arrival on campus.

Students found responsible for a violation of the University's alcohol, marijuana, or other drug policies are sanctioned to appropriately corresponding alcohol, marijuana, or other drug educational courses. The following is a list of courses that are currently used:

- *Under the Influence*: an online course offered by 3rd Millennium Classrooms
- *THC 101*: an online course offered by 3rd Millennium Classrooms
- BASICS/CASICS survey followed by a meeting with a trained professional to review the survey results

### Sex Offender Registration

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, University police provides a link to the New Hampshire State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice to each institution of higher education in that state at which the person is employed, carries a vocation, or is a student. In the state of New Hampshire, convicted sex offenders must register with the state police. The New Hampshire State Police Department is responsible for maintaining this registry. Follow the link below to access the New Hampshire State Police website: [business.nh.gov/nsor](http://business.nh.gov/nsor).

### Missing Student Notification Policy and Procedures

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify UPD at (603) 535-2330. UPD, working with other law enforcement organizations, will generate a missing person report and initiate an investigation.

This policy and procedure applies only to Plymouth State University students who are confirmed and lawfully occupying University provided housing. Such housing may be in a residence hall located on campus or in any other facility that is rented or leased by the University for the purpose of providing residential housing to its students. This policy and procedure is required pursuant to applicable provisions of the Higher Education Opportunity Act that has been codified at Title 20 U.S.C. § 1092j.

A residential student will be considered to be missing if the following circumstances apply:

- The student is overdue in reaching a predetermined destination by more than 24 hours past their expected arrival time.



- After checking their University residence, evidence supports the view they are not present there, and preliminary efforts to contact the student fail.
- Additional factors may be used by University officials to determine if a student is missing, depending on circumstances.

If a residential student is deemed to be missing for more than 24 hours by the UPD, that department will:

- Notify the Managing Director for Student Affairs/Frost House that such student has been missing for more than 24 hours;
- Notify the student's contact information as rapidly as possible under the circumstances; and
- If the residential student is under 18 years of age, and not an emancipated individual, immediately contact the custodial parent or legal guardian of such student, as well as other emergency contacts so designated by the student.

In addition to making the notifications listed above, the UPD may also contact other law enforcement authorities as appropriate under the circumstances.

The UPD will conduct investigations of missing residential students on campus and may use any lawful methods to do so.

#### Sexual Misconduct Policy and Conduct Process

*Note: in August 2020, Plymouth State University amended policies and procedures to align with changes to Title IX. The most current information can be located in the Equal Opportunity, Harassment, Nondiscrimination Policy on the PSU Title IX, Harassment, and Nondiscrimination web page: <https://campus.plymouth.edu/titleIX-sexual-assault/equal-opportunity-harassment-and-non-discrimination-policy-process/>*

#### **For Student Sexual Harassment**

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

Plymouth State University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that constitutes one or more of the following:

#### **Quid pro quo:**

- an employee of the recipient,
- conditions the provision of an aid, benefit, or service of the University,
- on an individual's participation in unwelcome sexual conduct;

#### **Hostile environment sexual harassment:**

- unwelcome conduct,

- determined by a reasonable person,
- to be so severe, and
- pervasive, and,
- objectively offensive,
- that it effectively denies a person equal access to the University's education program or activity.

Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous pattern that may be evidenced.

#### **Sexual Assault, defined as:**

- **Forcible Sex Offense:**
  - Any sexual act directed against another person,
  - without the consent of the Complainant,
  - including instances in which the Complainant is incapable of giving consent.
- **Forcible Rape:**
  - Penetration,
  - no matter how slight,
  - of the vagina or anus with any body part or object, or
  - oral penetration by a sex organ of another person,
  - without the consent of the Complainant.
- **Forcible Sodomy:**
  - Oral or anal sexual intercourse with another person,
  - forcibly,
  - and/or against that person's will (non-consensually), or
  - not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object:**
  - The use of an object or instrument to penetrate,
  - however slightly,
  - the genital or anal opening of the body of another person,
  - forcibly,
  - and/or against that person's will (non-consensually),
  - or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Forcible Fondling:**
  - The touching of the private body parts of another person (buttocks, groin, breasts),
  - for the purpose of sexual gratification,
  - forcibly,
  - and/or against that person's will (non-consensually),
  - or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Non-forcible Sex Offenses:**
  - Incest:
    - Non-forcible sexual intercourse,
    - between persons who are related to each other,
    - within the degrees wherein marriage is prohibited by New Hampshire law.

- Statutory Rape:
  - Non-forcible sexual intercourse,
  - with a person who is under the statutory age of consent of 16.

### **Force, Coercion, Consent, and Incapacitation**

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

#### **Force:**

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

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

#### **Coercion:**

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

#### **Consent:**

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or

similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

**Incapacitation:**

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

**Harassment in the Educational Environment**

In the educational environment, for conduct to constitute harassment under this policy, it must include more than the mere expression of views, words, symbols, or thoughts that another person finds offensive. The conduct must be: (1) unwelcome; (2) discriminatory on the basis of race, color, religion, sex, national origin, sexual orientation, age, disability, genetic information, veteran's status, or other protected class under federal or state law; (3) directed at an individual; and (4) so severe, pervasive, and objectively offensive (i.e., it would be offensive to a reasonable person in the victim's position, considering all of the circumstances), and so undermine and detract from the victim's educational experience, that the victim is effectively denied equal access to the University's resources and opportunities. This type of harassment is traditionally referred to as "hostile environment" harassment.

Unwelcome conduct of a sexual nature (e.g., sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature) that is so severe, pervasive, and objectively offensive as to violate this policy (as described above) constitutes sexual harassment. Sexual harassment in this context is a form of hostile environment harassment. When a faculty or staff member, however, conditions an educational decision or benefit on a student's submission to unwelcome conduct of a sexual nature, the sexual harassment is traditionally referred to as "quid pro quo" harassment. Students are not generally given responsibility over other students and, thus, generally cannot engage in quid pro quo harassment.

**Harassment in the Workplace Environment**

The legal standards for harassment, including sexual harassment, in the workplace environment are different from those in the educational environment. This is because students and faculty in the educational environment have robust speech rights, including the right to freely examine, exchange, and debate diverse ideas, both inside and outside the classroom. The same is not necessarily the case in the workplace environment, where employees are subject to their employers' reasonable restrictions.

The University's policies regarding harassment, including sexual harassment, in the workplace environment are available in the Online Policy Manual (OLPM) at PSU.V.B.4. These policies apply not only to faculty and staff but also to students employed by the University. Student employees may not engage in conduct that constitutes workplace harassment, including sexual harassment.

Please note that faculty and staff, as part of their job requirements, are responsible for preventing, reporting, and eliminating discrimination and harassment in their respective departments and work areas, and must act upon any information received that relates to potential discrimination or harassment. See OLPM PSU.V.B.4.6. See, generally, *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1998); US Department of Justice, Office of Civil Rights, “Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties,” January 2001; and US Department of Justice, Office of Civil Rights, “Dear Colleague” Letter, July 28, 2003.

#### **Dating Violence:**

- violence,
- on the basis of sex,
- committed by a person,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
  - dating violence 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.

#### **Domestic Violence:**

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

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

#### **Stalking:**

- engaging in a course of conduct,
- on the basis of sex,
- directed at a specific person, that
  - would cause a reasonable person to fear for the person’s safety, or
  - the safety of others; or
  - suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

Plymouth State University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy (see Sanctions: Student sanctions; Employee Outcomes).

### **Sexual Exploitation:**

Taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy.
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Creation, possession, or dissemination of child pornography

**Retaliation:** It is prohibited for PSU or any member of the PSU community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

**Intimidation:** Implied threats or acts that cause unreasonable fear of harm in another.

**Confidential Support and Services:** Different people on campus have different reporting responsibilities, different abilities to resolve reports of sexual assault, and different abilities to maintain your confidentiality. If you want the details of the incident to be kept fully confidential, you should initially speak with one of the following:

- An advocate from [Voices Against Violence](#): VAV hotline: (877) 221-6176. Advocates are available 24 hours a day through the hotline number listed above and can support and guide victims with and through all their needs.

- A counselor from [Plymouth State University Counseling Center](#): (603) 535-2461
- A health service provider at our [Health Services](#) or any medical facility: (603) 535-2350

#### OFFICIAL REPORTING OPTIONS

The University treats all reports seriously. Official reporting options for action through the University's Equal Opportunity, Harassment, Nondiscrimination policy and Title IX and sexual misconduct complaint process include the Title IX coordinator in the Frost House. To file a police report, contact the UPD or Plymouth Police Department.

#### TO LEARN MORE ABOUT OPTIONS

Students are encouraged to schedule a meeting with the Title IX coordinator in the Frost House (or their designee) to review all of the options available to an individual who reports they have been a victim of sexual misconduct and to discuss available support and confidential resources. NO DETAILS OF THE INCIDENT NEED TO BE PROVIDED AT THIS MEETING. Individuals are welcome to bring an advocate or advisor with them. The meeting may also involve a discussion of any supportive measures that might be appropriate concerning academics, University housing, and/or University employment arrangements if not already accomplished. Again, no details about the incident need to be provided in this initial meeting, and advocates or advisors are welcome to attend. This meeting does not constitute filing a report.

#### TIMING, RETALIATION, AND RELATED MISCONDUCT

**Timing of Reports and Available Processes:** If an individual would like to file a report, he or she is encouraged to do so as soon as possible in order to maximize the University's ability to obtain evidence and conduct a thorough, impartial, and reliable investigation. There is no time limit to invoking any of the processes in responding to reports of sexual assault/misconduct. Even if the accused is no longer enrolled or employed, administrative measures (e.g., criminal trespass orders) are available.

**Retaliation:** Retaliation is intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a civil rights grievance proceeding (including all forms of the student conduct hearing process, filing of police report/charges). It is a violation of University policy to retaliate against any person reporting an allegation of sexual assault/misconduct or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of sexual assault/misconduct. For these purposes, "retaliation" includes intimidation, threats, harassment, and other adverse action threatened or taken. Retaliation should be reported promptly to the Title IX coordinator and may result in disciplinary action independent of the sanction or interim measures imposed in response to reports of sexual misconduct.

**Other Related Misconduct:** Evidence of a victim's or witness's use of alcohol or drugs (e.g., underage drinking) will not result in conduct charges as covered in the University's Amnesty Policy.

#### SEXUAL MISCONDUCT REPORTING PROCEDURES

For the purposes of the conduct process, an individual filing a report is referred to as the *reporting party*; an individual accused of sexual misconduct is referred to as the *responding party*.

If an individual wishes to proceed with the conduct process, the Title IX coordinator will ask for the name of the responding party, and the date, location, and nature of the sexual misconduct. If there are any previously completed reports, they can be provided to avoid repeating details. The Title IX coordinator will schedule an initial meeting with the responding party (if the full identity of this person is not known, efforts will be made to make that identification), during which time the responding party's due process rights will be reviewed and any interim measures being applied administratively will be explained.

If the reporting party does not wish to proceed with the conduct process, the Title IX coordinator will again review all available support options and review how the reporting party may move forward with the report in the future.

In reports of sexual misconduct, the University will consult with the reporting party to put in place prompt and effective actions that are reasonably practicable under the circumstances to support and protect the reporting party and the community. Efforts will be made to honor any privacy request made by a reporting party within the constraints of Title IX requirements. No action will be taken without the knowledge of the reporting party.

#### INVESTIGATION AND RESOLUTION PROCESS

When a reporting party wishes to proceed with the conduct process, the Title IX coordinator, in addition to taking any necessary remedial actions as explained above, will conduct a preliminary investigation to determine if there is reasonable cause to believe specific policies have been violated.

When reasonable cause has been determined, both the reporting party and responding party will receive notification that an investigation has been initiated. The Title IX coordinator will assign an investigator, selected from a trained body of Title IX deputy coordinators.

Investigators meet with the reporting party, responding party, and witnesses. Upon completion of an investigation, a report including findings and recommendations will be provided to the Title IX coordinator.

**Formal Hearing:** The investigator will present their final report to a three-person panel (selected from a trained pool) during a live hearing. There are two possible outcomes of a formal hearing:

- No violation: the responding party is not responsible for a violation of policy. The parties may appeal this finding.
- Violation: the responding party is responsible for a violation of policy/policies. The parties may appeal this finding.

**Informal Resolution:** If at any time prior to a formal hearing, the parties agree to resolve the matter informally, it is possible to proceed directly with sanctioning (without a formal hearing). The full range of sanctions, including suspension and expulsion, are considered. Once parties have signed an informal resolution agreement, it cannot be appealed by either party. The reporting party has the right to proceed with the formal resolution hearing if they do not agree with the recommended Informal Resolution terms.

**Sanctioning:** Sanctions are proportionate to the severity of the violation. In sexual misconduct cases where there is non-consensual intercourse or penetration, suspension and/or expulsion are required to be considered. Possible sanctions for violations of sexual misconduct (including dating violence, domestic violence, sexual assault, and stalking) range from disciplinary warning through suspension/expulsion. The parties may submit an impact statement to be considered at the time of sanctioning.

**Appeals:** Either party may appeal the outcome of the formal hearing. Appeals must be submitted in writing to the Title IX coordinator in accordance with the instructions in the outcome letter. Appeals are assigned to administrators with no prior involvement in the complaint process.

**Outcome:** Both the reporting party and the responding party must be informed of the hearing outcome. The final outcome letter will set forth, as required by the Clery Act, the name of the accused student; the violation(s) of policy for which the accused student was found responsible, if any; any essential findings supporting the decision of responsibility; and the sanction(s) imposed, if any.

#### Programs to Address Culture and Climate on Campus

Incoming students in FA 2022 were provided with an in-person educational presentation entitled 'The 'C' Word' with an introduction to the Title IX Coordinator and a Voices Against Violence Confidential Advocate at the start of the program. Additionally, all incoming students were provided an online learning module entitled 'Consent and Respect' to complete in preparation for arrival to campus. This program addressed the following:

- Title IX overview including scope and purpose;



- Defining sexual misconduct at Plymouth State University (sexual harassment, non-consensual sexual contact, non-consensual sexual penetration, and sexual exploitation);
- Consent module;
- Domestic violence, dating and relationship violence, and stalking;
- Confidential resources including crisis advocates, counseling, health services, and clergy; and
- Reporting support including name and contact information of Title IX coordinator and all Title IX deputy coordinators.

New and returning faculty and staff are provided with Title IX overview and Responsible Employee training. Resource cards and information are provided for student referral. Human Resources provides new staff and faculty with online training related to identifying and preventing unlawful harassment.

Safe and positive bystander intervention strategies were provided to all community advisor student staff during training for implementation in the on-campus residential community. Additionally, a student intern in the Title IX Office promoted campus adoption of the uSafeUS app, a free resource for students with prevention and response tools tailored specifically to the PSU campus and local community ([usafeus.org](http://usafeus.org))

Passive programming in Residential Communities included lobby area bulletin boards.

As part of an ongoing Memorandum of Understanding between the University and the local crisis services agency, Voices Against Violence, education and outreach programs for classes, student clubs, and athletic team were facilitated by the Voices education and outreach coordinator. Voices Against Violence also provides direct service to students by supporting them through the sexual misconduct and Title IX complaint resolution processes.

#### Statement of the Rights of the Reporting Party

- The right to investigation and appropriate resolution of all credible reports or notice of sexual misconduct or discrimination made in good faith to university officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right of the reporting party not to have any personally identifiable information released to the public, without his or her consent.
- The right to be treated with respect by University officials;
- The right to have university policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- The right not to be discouraged by University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus law enforcement and other campus officials;

- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services for victims of sexual assault, both on campus and in the community;
- The right to a campus no-contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing, or other improper behavior that presents a danger to the welfare of the reporting party or others; and
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the victim and if such changes are reasonably available (no formal report or investigation, campus or criminal, need occur before this option is available).

Supportive measures may include:

- Change of an on-campus student's housing to a different on-campus location;
  - Assistance from University support staff in completing the relocation;
  - Transportation accommodations;
  - Arranging to dissolve a housing contract and pro-rating a refund;
  - Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal; and
  - Alternative course completion options.
- The right to have the institution maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures;
  - The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
  - The right to ask the investigators to identify and question relevant witnesses;
  - The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law. The right to have at least ten days notice prior to a hearing;
  - The right to be informed of the names of all witnesses who will be called to give testimony, at least ten days day prior to the hearing;
  - The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
  - The right to regular updates on the status of the investigation and/or resolution;
  - The right to have reports heard by hearing and appeals officers who have received [at least eight hours of] annual sexual misconduct training;
  - The right to a panel comprising representatives of both genders, if a panel is to be used;
  - The right to preservation of privacy, to the extent possible and permitted by law;

- The right to meetings, interviews and/or hearings that are closed to the public;
- The right to petition that any member of the conduct body be recused on the basis of demonstrated bias;
- The right to bring a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
- The right to provide evidence by means other than being in the same room with the responding party;
- [The opportunity (if desired) to ask questions, [directly or indirectly], of all present witnesses [including the responding party], and the right to challenge documentary evidence];
- The right to be present for all testimony given and evidence presented during any resolution-related hearing;
- The right to make or provide an impact statement in person or in writing to the hearing officers following determination of responsibility, but prior to sanctioning;
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties; and
- The right to be informed in writing of when a decision of the University is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the [finding and] sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.

#### Statement of the Responding Party's Rights

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct made in good faith to University administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to be treated with respect by university officials;
- The right to have university policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;
- The right to be fully informed of the nature, policies and procedures of the campus resolution process and to timely written notice of all alleged violations within the report, including the nature of the violation and possible sanctions;
- The right to a hearing on the report, including timely notice of the hearing date, and adequate time for preparation;
- The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law. The right to have at least ten days notice prior to a hearing;
- The right to be informed of the names of all witnesses who will be called to give testimony, at least ten days day prior to the hearing;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;

- The right to have reports heard by hearing and appeals officers who have received [at least eight (8) hours of] annual training;
- The right to petition that any member of the conduct body be recused on the basis of demonstrated bias;
- The right to a panel comprised of representatives of both genders if a panel is to be used;
- The right to meetings, interviews and hearings that are closed to the public;
- The right to have the university compel the presence of student, faculty and staff witnesses, and the opportunity to ask questions, [directly or indirectly], of all present witnesses, and the right to challenge documentary evidence;
- The right to have an advisor of their choice to accompany and assist in the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to make or provide an impact statement in person or in writing to the hearing officers board following any determination of responsibility, but prior to sanctioning;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties; and
- The right to be informed in writing of when a decision of the university is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the [finding and] sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the university.

#### Policies on Portable Electric Appliances, Smoking, and Open Flames in a Student Housing Facility

The Office of Residential Life performs residence hall Health and Safety (H&S) inspections monthly with the guidance of the Physical Plant (Facilities) and the Office of Environmental, Health and Safety. Inspections are generally announced, and also occur unannounced as needed. The H&S inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Residential Life Housing Lease Agreement, which include the H&S inspections and all other rules and regulations for residential buildings. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems.

In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge-protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas) or prohibited activity (e.g., smoking in the room; tampering with life safety equipment; possession of pets.). This inspection will also include a general assessment of food and waste storage and cleanliness of the room. Prohibited items will be immediately disabled with a locking device or confiscated and donated/discarded if found, without reimbursement.

#### Procedures for Student Housing Evacuation in the Case of a Fire

In the event of a fire, the Plymouth State University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the UPD. In the event a fire alarm sounds,

University policy requires that all occupants must evacuate the building, closing doors as they leave. UPD, Plymouth Police, and Plymouth Fire Department officials regularly check residential spaces to ensure proper evacuation.

No training is provided to students or employees in firefighting or suppression activity, as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go, to contain the spread of flames and smoke, and to activate the alarm as they exit, if it not actively sounding. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

#### Fire Safety Education and Training Programs Provided to Students and Employees

The Environmental Health and Safety (EHS) Office continues to work closely with the Residential Life staff to ensure that fire and life safety equipment and programs are maintained in the residence halls and in the student apartments. Regular inspections by Residential Life staff.

Fire drills are conducted each year in all residence halls and student apartments. The drills are conducted under the supervision of the Plymouth Fire Department. Evacuation route signs are provided on the back of each residence hall room or apartment door. Evacuation route signs are also displayed in public spaces. If a fire occurs, students are instructed to leave the building per the evacuation routes and get to a predetermined location before calling 911 for help. They are to remain in that location until the fire department gives the all-clear to re-enter the building. When it is safe to do so, Residential Life staff station themselves near building entrances to assist in safe and orderly reentrance to the building.

A representative from the State Fire Marshall's Office also conduct annual inspections of most major buildings on campus, including the PE Center, Boyd Hall, Draper & Maynard, and the Silver Center for the Arts. The EHS office, or assigned designee, maintains copies of all of the fire department-issued occupancy and assembly permits. Original permits are also available for review in their respective buildings.

#### Reporting that a Fire Occurred

Per federal law, Plymouth State University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on campus student housing. These are fires for which you are unsure whether the UPD and the Office of Environmental, Health & Safety may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact one of the following: UPD: (603) 535-2330, the Office of the Dean of Students: (603) 535-2206, or Residential Life: (603) 535-2260. When calling, please provide as much information as possible about the location, date, time, and cause of the fire.

#### Future Improvements in Fire Safety

The Plymouth State University has adopted the National Incident Management System (NIMS) for all of its emergency and non-emergency events, and will have complete NIMS compliance in 2017. The adoption of NIMS will improve the University's response to emergencies and hazards, especially fires.

## Appendix A

### 2022 Clery Act Statistics—Location Definitions

The statistical report for the last three calendar years is shown below. The following is a list of location definitions provided for better understanding of how statistics are counted and categorized:

**On Campus:** Any building or property owned or controlled by an institution within the same reasonable contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution and controlled by another person, is frequently used by students, and supports institutional purposes (e.g., food or other retail vendors).

**Residential Facilities:** "Dormitories or other residential facilities for students on campus" is a subset of the on-campus category.

**A Non-campus Building or Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

## Criminal Offenses

### Criminal Offenses: On campus

| Criminal offense                  | 2020 | 2021 | 2022 |
|-----------------------------------|------|------|------|
| Murder/Non-negligent manslaughter | 0    | 0    | 0    |
| Negligent manslaughter            | 0    | 0    | 0    |
| Sex offenses: Forcible            |      |      |      |
| Rape                              | 3    | 7    | 2    |
| Fondling                          | 0    | 1    | 1    |
| Sex offences: Non-forcible        | 0    |      |      |
| Incest                            | 0    | 0    | 0    |
| Statutory rape                    | 0    | 0    | 0    |
| Robbery                           | 0    | 0    | 0    |
| Aggravated assault                | 0    | 0    | 0    |
| Burglary                          | 0    | 0    | 1    |
| Motor vehicle theft               | 1    | 0    | 0    |
| Arson                             | 0    | 0    | 0    |

### Criminal Offenses: On-campus Student Housing Facilities (These numbers are counted as part of the total above.)

| Criminal offense                  | 2020 | 2021 | 2022 |
|-----------------------------------|------|------|------|
| Murder/Non-negligent manslaughter | 0    | 0    | 0    |
| Negligent manslaughter            | 0    | 0    | 0    |
| Sex offenses: Forcible            | 0    | 0    |      |
| Rape                              | 3    | 7    | 2    |
| Fondling                          | 0    | 1    | 1    |
| Sex offences: Non-forcible        |      |      |      |
| Incest                            | 0    | 0    | 0    |
| Statutory rape                    | 0    | 0    | 0    |
| Robbery                           | 0    | 0    | 0    |
| Aggravated assault                | 0    | 0    | 0    |
| Burglary                          | 0    | 0    | 0    |
| Motor vehicle theft               | 0    | 0    | 0    |
| Arson                             | 0    | 0    | 0    |

### Criminal Offenses: Public Property

| Criminal offense                  | 2020 | 2021 | 2022 |
|-----------------------------------|------|------|------|
| Murder/Non-negligent manslaughter | 0    | 0    | 0    |
| Negligent manslaughter            | 0    | 0    | 0    |
| Sex offenses: Forcible            | 0    |      |      |
| Rape                              | 0    | 0    | 0    |
| Fondling                          | 0    | 0    | 0    |
| Sex offences: Non-forcible        | 0    | 0    | 0    |
| Incest                            | 0    | 0    | 0    |
| Statutory rape                    | 0    | 0    | 0    |
| Robbery                           | 0    | 0    | 0    |
| Aggravated assault                | 0    | 0    | 0    |
| Burglary                          | 0    | 0    | 0    |
| Motor vehicle theft               | 0    | 0    | 0    |
| Arson                             | 0    | 0    | 0    |

## Hate Crimes

### Hate Crimes: On campus

| Criminal offense                         | Total 2022 | Occurrences of hate crimes on campus         |          |                    |        |                 |            |           |                 |
|------------------------------------------|------------|----------------------------------------------|----------|--------------------|--------|-----------------|------------|-----------|-----------------|
|                                          |            | Category of bias for crimes reported in 2022 |          |                    |        |                 |            |           |                 |
|                                          |            | Race                                         | Religion | Sexual orientation | Gender | Gender Identity | Disability | Ethnicity | National Origin |
| Murder/Non-negligent manslaughter        | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Rape                                     | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Fondling                                 | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Incest                                   | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Statutory rape                           | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Robbery                                  | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Aggravated assault                       | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Burglary                                 | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Motor vehicle theft                      | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Arson                                    | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Simple assault                           | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Larceny-theft                            | 0          | 0                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Intimidation                             | 1          | 1                                            | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Destruction/damage/vandalism of property | 3          | 1                                            | 1        | 1                  | 0      | 0               | 0          | 0         | 0               |

| Criminal offense                         | Total 2021 | Occurrences of hate crimes on campus         |          |                    |        |            |                               |
|------------------------------------------|------------|----------------------------------------------|----------|--------------------|--------|------------|-------------------------------|
|                                          |            | Category of bias for crimes reported in 2021 |          |                    |        |            |                               |
|                                          |            | Race                                         | Religion | Sexual orientation | Gender | Disability | Ethnicity/<br>National Origin |
| Murder/Non-negligent manslaughter        | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Sex offenses: forcible                   | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Sex offenses: non-forcible               | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Incest                                   | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Statutory rape                           | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Robbery                                  | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Aggravated assault                       | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Burglary                                 | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Motor vehicle theft                      | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Arson                                    | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Simple assault                           | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Larceny-theft                            | 0          | 0                                            | 0        | 0                  | 0      | 0          | 0                             |
| Intimidation                             | 2          | 2                                            | 0        | 0                  | 0      | 0          | 0                             |
| Destruction/damage/vandalism of property | 4          | 3                                            | 1        | 0                  | 0      | 0          | 0                             |

| Criminal offense | Total 2020 | Occurrences of hate crimes on campus         |          |                    |        |            |                               |
|------------------|------------|----------------------------------------------|----------|--------------------|--------|------------|-------------------------------|
|                  |            | Category of bias for crimes reported in 2020 |          |                    |        |            |                               |
|                  |            | Race                                         | Religion | Sexual orientation | Gender | Disability | Ethnicity/<br>National Origin |



|                                          |   |   |   |   |   |   |   |
|------------------------------------------|---|---|---|---|---|---|---|
| Murder/Non-negligent manslaughter        | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sex offenses: forcible                   | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sex offenses: non-forcible               | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Incest                                   | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statutory rape                           | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery                                  | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aggravated assault                       | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary                                 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Motor vehicle theft                      | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson                                    | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Simple assault                           | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Larceny-theft                            | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Intimidation                             | 2 | 2 | 0 | 0 | 0 | 0 | 0 |
| Destruction/damage/vandalism of property | 4 | 3 | 1 | 0 | 0 | 0 | 0 |

Hate Crimes: On-campus Student Housing Facilities (These numbers are counted as part of the total above.)

| Criminal offense                         | Total 2022 | Occurrences of hate crimes on-campus student housing facilities |          |                    |        |                 |            |           |                 |
|------------------------------------------|------------|-----------------------------------------------------------------|----------|--------------------|--------|-----------------|------------|-----------|-----------------|
|                                          |            | Category of bias for crimes reported in 2022                    |          |                    |        |                 |            |           |                 |
|                                          |            | Race                                                            | Religion | Sexual orientation | Gender | Gender Identity | Disability | Ethnicity | National Origin |
| Murder/Non-negligent manslaughter        | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Rape                                     | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Fondling                                 | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Incest                                   | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Statutory rape                           | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Robbery                                  | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Aggravated assault                       | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Burglary                                 | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Motor vehicle theft                      | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Arson                                    | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Simple assault                           | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Larceny-theft                            | 0          | 0                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Intimidation                             | 1          | 1                                                               | 0        | 0                  | 0      | 0               | 0          | 0         | 0               |
| Destruction/damage/vandalism of property | 3          | 1                                                               | 1        | 1                  | 0      | 0               | 0          | 0         | 0               |

| Criminal offense                  | Total 2021 | Occurrences of hate crimes on-campus student housing facilities |          |                    |        |            |                               |
|-----------------------------------|------------|-----------------------------------------------------------------|----------|--------------------|--------|------------|-------------------------------|
|                                   |            | Category of bias for crimes reported in 2021                    |          |                    |        |            |                               |
|                                   |            | Race                                                            | Religion | Sexual orientation | Gender | Disability | Ethnicity/<br>National Origin |
| Murder/Non-negligent manslaughter | 0          | 0                                                               | 0        | 0                  | 0      | 0          | 0                             |
| Sex offenses: forcible            | 0          | 0                                                               | 0        | 0                  | 0      | 0          | 0                             |
| Sex offenses: non-forcible        | 0          | 0                                                               | 0        | 0                  | 0      | 0          | 0                             |
| Incest                            | 0          | 0                                                               | 0        | 0                  | 0      | 0          | 0                             |
| Statutory rape                    | 0          | 0                                                               | 0        | 0                  | 0      | 0          | 0                             |
| Robbery                           | 0          | 0                                                               | 0        | 0                  | 0      | 0          | 0                             |



|                                              |   |   |   |   |   |   |   |   |   |
|----------------------------------------------|---|---|---|---|---|---|---|---|---|
| Destruction/damage/<br>vandalism of property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------------------------------------|---|---|---|---|---|---|---|---|---|

| Criminal offense                             | Total<br>2021 | Occurrences of hate crimes on public property<br>Category of bias for crimes reported in 2021 |          |                       |        |            |                                  |
|----------------------------------------------|---------------|-----------------------------------------------------------------------------------------------|----------|-----------------------|--------|------------|----------------------------------|
|                                              |               | Race                                                                                          | Religion | Sexual<br>orientation | Gender | Disability | Ethnicity/<br>National<br>Origin |
| Murder/Non-negligent<br>manslaughter         | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Sex offenses: forcible                       | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Sex offenses: non-forcible                   | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Incest                                       | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Statutory rape                               | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Robbery                                      | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Aggravated assault                           | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Burglary                                     | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Motor vehicle theft                          | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Arson                                        | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Simple assault                               | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Larceny-theft                                | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Intimidation                                 | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Destruction/damage/<br>vandalism of property | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |

| Criminal offense                             | Total<br>2020 | Occurrences of hate crimes on public property<br>Category of bias for crimes reported in 2020 |          |                       |        |            |                                  |
|----------------------------------------------|---------------|-----------------------------------------------------------------------------------------------|----------|-----------------------|--------|------------|----------------------------------|
|                                              |               | Race                                                                                          | Religion | Sexual<br>orientation | Gender | Disability | Ethnicity/<br>National<br>Origin |
| Murder/Non-negligent<br>manslaughter         | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Sex offenses: forcible                       | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Sex offenses: non-forcible                   | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Incest                                       | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Statutory rape                               | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Robbery                                      | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Aggravated assault                           | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Burglary                                     | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Motor vehicle theft                          | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Arson                                        | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Simple assault                               | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Larceny-theft                                | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Intimidation                                 | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |
| Destruction/damage/<br>vandalism of property | 0             | 0                                                                                             | 0        | 0                     | 0      | 0          | 0                                |

Hate Crimes:

**VAWA Offenses****\*VAWA Offenses: On-campus**

|                   | Total occurrences on campus |      |      |
|-------------------|-----------------------------|------|------|
| Crime             | 2020                        | 2021 | 2022 |
| Domestic violence | 0                           | 0    | 0    |
| Dating violence   | 2                           | 8    | 3    |
| Stalking          | 1                           | 4    | 1    |

**\*VAWA Offenses: On-campus Student Housing Facilities**

|                   | Total occurrences on campus (counted as part of the total above) |      |      |
|-------------------|------------------------------------------------------------------|------|------|
| Crime             | 2020                                                             | 2021 | 2022 |
| Domestic violence | 0                                                                | 0    | 0    |
| Dating violence   | 1                                                                | 6    | 2    |
| Stalking          | 0                                                                | 1    | 0    |

**\*VAWA Offenses: Public property**

| Crime             | 2020 | 2021 | 2022 |
|-------------------|------|------|------|
| Domestic violence | 0    | 0    | 0    |
| Dating violence   | 0    | 0    | 0    |
| Stalking          | 0    | 0    | 0    |

**Arrest**

## Arrests: On campus

| Crime                               | Number of Arrests |      |      |
|-------------------------------------|-------------------|------|------|
|                                     | 2020              | 2021 | 2022 |
| Weapons, carrying, possessing, etc. | 0                 | 0    | 0    |
| Drug abuse violations               | 0                 | 0    | 0    |
| Liquor law violations               | 12                | 13   | 10   |

## Arrests: On campus Student Housing Facilities (These numbers are counted as part of the total above.)

| Crime                               | Number of Arrests |      |      |
|-------------------------------------|-------------------|------|------|
|                                     | 2020              | 2021 | 2022 |
| Weapons, carrying, possessing, etc. | 0                 | 0    | 0    |
| Drug abuse violations               | 0                 | 0    | 0    |
| Liquor law violations               | 10                | 10   | 8    |

## Arrests: Public Property

| Crime                               | Number of Arrests |      |      |
|-------------------------------------|-------------------|------|------|
|                                     | 2020              | 2021 | 2022 |
| Weapons, carrying, possessing, etc. | 0                 | 0    | 0    |
| Drug abuse violations               | 0                 | 0    | 0    |
| Liquor law violations               | 0                 | 0    | 0    |

Weapons Possession: 0

Drug-Related Violations: 0

Arrests for Liquor Law Violations: 10

UPD handled 10 alcohol incidents. A great majority of them occurred within residential areas on campus and some in areas adjacent to the campus.

**Disciplinary Actions**

## Disciplinary Actions: On campus

|                                     | Number of persons referred for disciplinary action |      |      |
|-------------------------------------|----------------------------------------------------|------|------|
| Crime                               | 2020                                               | 2021 | 2022 |
| Weapons, carrying, possessing, etc. | 0                                                  | 0    | 1    |
| Drug abuse violations               | 1                                                  | 3    | 1    |
| Liquor law violations               | 358                                                | 254  | 284  |

## Disciplinary Actions: On-campus Student Housing Facilities (These numbers are counted as part of the total above.)

|                                     | Number of persons referred for disciplinary action |      |      |
|-------------------------------------|----------------------------------------------------|------|------|
| Crime                               | 2020                                               | 2021 | 2022 |
| Weapons, carrying, possessing, etc. | 0                                                  | 0    | 1    |
| Drug abuse violations               | 1                                                  | 3    | 1    |
| Liquor law violations               | 319                                                | 250  | 283  |

## Disciplinary Actions: Public Property

|                                     | Number of persons referred for disciplinary action |      |      |
|-------------------------------------|----------------------------------------------------|------|------|
| Crime                               | 2020                                               | 2021 | 2022 |
| Weapons, carrying, possessing, etc. | 0                                                  | 0    | 0    |
| Drug abuse violations               | 0                                                  | 0    | 0    |
| Liquor law violations               | 0                                                  | 0    | 0    |

## Unfounded Crimes

|                        | Number |      |      |
|------------------------|--------|------|------|
|                        | 2020   | 2021 | 2022 |
| Total Unfounded Crimes | 0      | 0    | 0    |

**Fires: Summary**

| Name of facility | 2020     |          |          | 2021     |          |          | 2022     |          |          |
|------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
|                  | Fires    | Injuries | Deaths   | Fires    | Injuries | Deaths   | Fires    | Injuries | Deaths   |
| Mary Lyon Hall   | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Smith Hall       | 0        | 0        | 0        | 1        | 0        | 0        | 0        | 0        | 0        |
| Univ. Apartments | 3        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Belknap          | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Blair Hall       | 0        | 0        | 0        | 0        | 0        | 0        | 1        | 0        | 0        |
| Grafton Hall     | 1        | 0        | 0        | 1        | 0        | 0        | 0        | 0        | 0        |
| Langdon Woods    | 0        | 0        | 0        | 0        | 0        | 0        | 1        | 0        | 0        |
| Pemi Hall        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Merrill Place    | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| <b>Total</b>     | <b>4</b> | <b>0</b> | <b>0</b> | <b>2</b> | <b>0</b> | <b>0</b> | <b>2</b> | <b>0</b> | <b>0</b> |

| Location              | Category of fire | Cause of Fire | Fire-related injuries | Fire-related deaths | Property damage | Year |
|-----------------------|------------------|---------------|-----------------------|---------------------|-----------------|------|
| University Apartments | Unintentional    | Cooking       | 0                     | 0                   | \$100 - \$999   | 2020 |
| University Apartments | Unintentional    | Cooking       | 0                     | 0                   | \$100 - \$999   | 2020 |
| University Apartments | Unintentional    | Cooking       | 0                     | 0                   | \$100 - \$999   | 2020 |
| Grafton Hall          | Unintentional    | Electrical    | 0                     | 0                   | \$100 - \$999   | 2020 |
| Grafton Hall          | Unintentional    | Other         | 0                     | 0                   | \$100 - \$999   | 2021 |
| Smith Hall            | Unintentional    | Electrical    | 0                     | 0                   | \$100 - \$999   | 2021 |
| Blair Hall            | Unintentional    | Cooking       | 0                     | 0                   | \$100 - \$999   | 2022 |
| Langdon Woods         | Unintentional    | Other         | 0                     | 0                   | \$100 - \$999   | 2022 |

## Appendix B

### Conduct Rules and Regulations

The University Student Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. Each student shall be responsible for their conduct from the time of enrollment through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Student Conduct Code Procedures:

1. Acts of dishonesty, including but not limited to the following:

- Cheating, plagiarism, or other forms of academic dishonesty (matters involving [academic integrity](#) are referred to and addressed by Academic Affairs).
- Furnishing false information or withholding pertinent information to any University official, faculty member, or office.
- Forgery, alteration, or misuse of any University document, record, or instrument of identification.

2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or of other authorized non- University activities when the conduct occurs on University premises.

3. Discriminatory Harassment–Discriminatory Harassment is (1) a pattern of targeted, unwelcome conduct (2) directed at an individual (3) that is discriminatory on the basis of race, color, religion, national origin, sex, gender, sexual orientation, gender identity or expression, age, veteran's status, or disability and (4) that a reasonable person would determine is so severe, pervasive or objectively offensive that it effectively denies a person equal access to the University's educational programs or activities. See the [PSU Equal Opportunity, Harassment and Nondiscrimination Policy](#).

4. Sexual Misconduct–Sexual misconduct includes behaviors that have been determined to constitute discrimination under Title IX of the Education Amendments of 1972.

- Sexual Harassment
- Quid pro quo sexual harassment
- Hostile environment sexual harassment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking
- Sexual Exploitation

See [PSU Equal Opportunity, Harassment and Nondiscrimination Policy](#)

5. Acts of a threatening or harmful nature, including but not limited to the following:

- Physical abuse, verbal abuse, threats, intimidation, harassment, self-harm, and/or any other conduct which threatens or endangers health, safety, or privacy of any person
- Illegal or unauthorized possession of firearms, explosives, other weapons or dangerous chemicals on University premises, or use of any such items, even if legally possessed, in a manner that harms, threatens or causes fear to others



- Obstruction of the free flow of pedestrians or vehicular traffic
- Creation or publication of an audio or video recording without the subject's consent if that person has a reasonable expectation of privacy or if the recording is prohibited by state law.
- Throwing or dropping objects from or at University property

6. Knowingly giving a false report of a crime or emergency or deliberately setting off a false fire alarm.

7. Attempted or actual theft of, vandalism, and/or damage to property of the University or property of a member of the University community or other personal or public property, on or off campus.

8. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations.

9. Failure to comply with directions of University officials or law enforcement officers acting in the good faith performance of their duties and/or failure to identify oneself to these persons when requested to do so.

10. Unauthorized possession, duplication or use of keys/ID to any University premises or unauthorized entry to or use of University premises.

11. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website (including but not limited to; Fire Safety policy and Residential Life Housing Lease and Dining Agreement, PSU Equal Opportunity, Harassment and Nondiscrimination Policy, Information Technology Acceptable Use Policy, and/or any public health/environmental health and safety protocols, bulletins or communications).

12. Violation of any federal, state or local law.

13. Possession, use, or evidence of use, manufacturing, or distribution of cannabis, heroin, narcotics or other controlled substances except as expressly permitted by law. See the University's complete policy on Cannabis and Other Drugs.

14. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by University regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age. See the University's complete policy on Alcohol.

15. Initiating, attempting to initiate, or participating in a riot activity is not permitted. This is an activity where multiple persons act together and engage in aggressive or violent conduct that causes or has the potential to cause a threat or danger to a community. Some behaviors that may be considered riotous/group behavior (this list is not all inclusive) are setting fires, major disturbances of the peace, throwing bottles or other objects, damaging, destroying or defacing property, or obstructing, interfering with or disrupting university officials or law enforcement agents in performing their duties.

16. Theft or other abuse of computer facilities and resources, or any violation of the University Technology Policy. See the complete [Technology Policy](#).

17. Abuse of the Student Conduct System, including but not limited to:

- Falsification, distortion, misrepresentation, or withholding of pertinent information during a Student Conduct proceeding.
- Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.
- A false allegation resulting in the institution of a student conduct proceeding in bad faith.
- Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
- Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding.

- Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a student conduct proceeding.
- Failure to comply with the sanction(s) imposed under the Student Code.
- Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
- Student conduct proceeding participants are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University.

#### Violation of Law and University Student Conduct

University student conduct proceedings may be instituted against a student for conduct that potentially violates both the criminal law and the Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students. Determinations made or sanctions imposed under the Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the University may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

#### **Conduct Code Procedures**

##### Alleged Policy Violation and Student Conduct Board Hearings

1. Any member of the University community may submit a report against another student for an alleged violation of the Student Code to the Student Conduct Office. For assistance with the reporting process any member of the University community may schedule a time to meet with the Student Conduct Office. Any alleged violation should be submitted as soon as possible after the event takes place.
2. Depending on the alleged violation the Student may be required to meet with the Student Conduct Board to discuss the situation, meet for an informal hearing, participate in a restorative resolution, or participate in a formal hearing.
3. The Student has the opportunity to participate in a fair hearing.
4. All alleged violations shall be presented to the Student in written form, generally electronic correspondence. A time shall be set for a Student Conduct Board Hearing and the student will be notified.
5. Student Conduct Board Hearings shall be conducted by a Student Conduct Board according to the following guidelines (except extenuating circumstances as outlined in number 7):
  - Student Conduct Board Hearings normally shall be conducted in private.
  - Both Reporting and Responding parties and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board Hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board Hearing shall be at the discretion of the Student Conduct Board and/or its Student Conduct Administrator.

- In Student Conduct Board Hearings involving more than one Responding Party, the Student Conduct Administrator, in their discretion, may permit the Student Conduct Board Hearings concerning each student to be conducted either separately or jointly.
- The Reporting Party and the Responding Party have the opportunity to have an advisor present during the hearing. The Student Conduct Board for the particular case should be notified, as soon as possible of the name and contact information of the advisor.
- The Reporting Party, the Responding Party and the Student Conduct Board may arrange for witnesses to speak at the hearing (if several witnesses will state the same information the number of witnesses may be limited). Witnesses must have relevant knowledge of the incident in question. The Student Conduct Board for the particular case must be notified, 48 hours prior to the hearing, of the names and contact information of witnesses (with the exception of new evidence that is directly relevant). The Reporting and Responding Party shall be notified of the witnesses that may be present at the Student Conduct Board Hearing. It is the involved Parties responsibility to obtain their witnesses and communicate the time and location of the hearing to them.
- If a student is engaged in the legal system for the same alleged violation they may have their attorney for that case present at the hearing to act as an advisor to the student. The schedules of lawyers will not be taken into consideration in determining the timeline of the University's Student Conduct process. In order to maintain fairness towards all parties involved in the hearing process, if an attorney is allowed to attend they are only allowed to speak to their client, not on behalf of their client.
- Pertinent records, supporting documentation, and written statements may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson. The Reporting Party and Responding Party have the opportunity to view the documented evidence prior to the Student Conduct Board Hearing (Victim Impact Statement may be submitted for consideration after a finding has been reached, prior to sanctioning).
- All procedural questions are subject to the final decision of the Managing Director for Student Affairs.
- After the portion of the Student Conduct Board Hearing concludes in which all pertinent information has been received, the Student Conduct Board shall determine (by majority vote if the Student Conduct Board consists of more than one person) whether the Responding Party has violated each section of the Student Code which the student is alleged to have violated.

6. Preponderance of evidence standard; The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the Responding Party violated the Student Code. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings. If a Responding Party, with notice, does not appear before a Student Conduct Board Hearing, the information in support of the alleged violation shall be presented and considered even in their absence.

7. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation between Parties, and/or other witness during the hearing. In as such, by providing separate facilities, and/or by permitting participation by speaker phone, skype, written statement, or other means, as necessary under the determination of the Dean of Students.

#### Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:

- Warning—A notice in writing to the student that the student is violating or has violated University policy.

- Probation—A written reprimand for violation of the Student Code of Conduct. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate policy during the probationary period.
- Loss of Privileges—Denial of specified privileges for a designated period of time.
- Financial charges—previously established and published charges may be imposed.
- Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Discretionary Sanctions—Work assignments, essays, service to the University, or other related discretionary assignments.
- Alcohol and Other Drug Sanctions (AOD)—Educational sanctions related to alcohol and/or drug use. A fee will be billed to your student account for enrollment in AOD educational sanctions as follows; one hundred and fifty dollars for the first AOD violation, three hundred dollars for a second or any subsequent AOD violation.
- Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who are suspended from residential life due to a conduct matter are not eligible for a housing or dining refund.
- Residence Hall Expulsion—Permanent separation of the student from the residence halls. Students who are expelled from residential life due to a conduct matter are not eligible for a housing or dining refund.
- University Suspension—Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who are suspended from the University due to conduct matters are not eligible for any refunds including but not limited to housing, tuition, dining and fees. Students who are suspended are not eligible to be on campus for any reason during the duration of the suspension. Students suspended from the University are not eligible to enroll at any other USNH institution during their suspension period.
- University Expulsion—Permanent separation of the student from the University. Students who are expelled from the University due to conduct matters are not eligible for any refunds including but not limited to housing, tuition, dining and fees. Students who are expelled from the University are not eligible to be on campus for any reason. Students who are expelled from the University are not eligible to enroll at another USNH institution for a period of two years from the time of expulsion.
- Revocation of Admission and/or Degree—Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Withholding Degree—The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Code, including the completion of all sanctions imposed, if any.

2. More than one of the sanctions listed above may be imposed for any single violation.

3. Other than University expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, University probation, University suspension, University expulsion, or revocation or withholding of a degree, upon application to the Office of the Dean of Students. In situations involving both a Responding Party (or group or

organization) and a Reporting Party, the records of the process and of the sanctions imposed, if any, shall be considered the education records the Responding Party.

4. The following sanctions may be imposed upon groups or organizations:

- Any sanction listed above.
- Loss of selected rights and privileges for a specified period of time.
- Deactivation. Loss of all privileges, including University recognition, for a specified period of time.

5. In each case in which a Student Conduct Board determines that a student and/or group or organization has violated the Student Code, the sanction(s) shall be determined and imposed by the Student Conduct Administrator. In cases in which persons other than, or in addition to, the Student Conduct Administrator have been authorized to serve as the Student Conduct Board, the recommendation of the Student Conduct Board shall be considered by the Student Conduct Administrator in determining and imposing sanctions. The Student Conduct Administrator is not limited to sanctions recommended by members of the Student Conduct Board. Following the Student Conduct Board Hearing, the Student Conduct Board and the Student Conduct Administrator shall advise the Accused Student, group and/or organization (and a complaining student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

#### Major Violations

The following acts will likely result in suspension and may result in expulsion (This is not an all-inclusive list). In addition, immediate interim suspension may be imposed:

- Sexual assault or attempted sexual assault.
- Physical assault.
- Sale, distribution or evidence of intent to sell or distribute illegal drugs.
- Possession or evidence of use of illegal drugs, other than marijuana.
- Multiple violations of the alcohol and marijuana policies.
- Arson or attempted arson.
- The commission and conspiracy to commit hate crime related activities.
- Instigating or attempting to instigate a riot, including kindling a fire without a permit.
- Intentional damage or destruction of university property.
- Throwing or dropping potentially dangerous objects from or at university property.
- Maliciously causing a false fire alarm.
- Disabling of fire safety equipment.

#### Interim Suspension

In certain circumstances, the Student Conduct Office, or a designee, may impose a University or residence hall suspension prior to the Student Conduct Board Hearing before a Student Conduct Board.

1. Interim suspension may be imposed only: a) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

2. During the interim suspension, a student may be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students or the Student Conduct Administrator may determine to be appropriate.
3. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Board Hearing, if required.

#### Appeals

1. A decision reached by the Student Conduct Board or a sanction imposed by the Student Conduct Administrator may be appealed by the Accused Student(s) or Complainant(s) to an Appellate Board within four (4) business days (by 4:30 pm) of the decision. Such appeals shall be in writing and submitted electronically via the [Appeal form](#).
2. Except as required to explain the basis of new information, an appeal shall be limited to a review of the information of the Student Conduct Board Hearing and supporting documents for one or more of the following purposes:
  - Hearing was not fair or due process was not followed. (Degree of due process varies with the significance of the potential outcome).
  - Sanction is not appropriate for the violation. (May not be applicable for standard sanctions).
  - There is new evidence that was not available at the time of the hearing. (Evidence must be substantial enough to change the outcome).

Submitting a Petition for an Appeal does not guarantee that an appeal will occur. The petition provides information to the Appellate Board to determine whether or not there is a basis for an appeal.

3. If an appeal is granted the decision and/or sanctions may be upheld, amended (increased or decreased), or overturned.