



# Title IX Policy Prohibiting Sex Discrimination

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## **1. INTRODUCTION**

Keene State College prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The University System of New Hampshire policy of nondiscrimination is located [here](#).

### **1.1 Title IX of the Education Amendments of 1972**

Keene State College (“College”) does not discriminate on the basis of sex in its admissions practices except as permitted by law, in its employment practices, or in its educational programs or activities. As a recipient of federal financial assistance for education activities, the College is required by Title IX of the Education Amendments of 1972 to ensure that all its education programs and activities do not discriminate on the basis of sex. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, gender identity, gender expression, sexual orientation, and pregnancy or related conditions. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by College policy.

The College also prohibits retaliation against any person participating in any sex discrimination [complaint](#), investigation or resolution process.

Keene State has obligations under Title IX to provide certain supports and reasonable modifications to people experiencing pregnancy or related conditions to ensure their equal access to the College’s [program or activity](#). For example, the College must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence because of pregnancy and related conditions. Students, employees, or applicants should contact the [Title IX Coordinator](#) for more information. Employees or applicants may also contact Human Resources for more information because additional workplace laws and policies apply.

### **1.2 Application of Section 504/Americans with Disabilities Act to this Policy**

Keene State adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. The College is committed to providing individuals with disabilities equal access and opportunity and strives in its policies and practices to provide for the full participation of individuals with disabilities in all aspects of college life.

[Parties](#) may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point relating to the implementation of this policy, including making a [disclosure or report](#), initiating a resolution procedure and participating in any grievance process. Accommodations will be granted if they are appropriate and do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other College programs and activities. With the consent of the impacted student or employee, the Title IX Coordinator will work collaboratively with the Office of Disability Services and/or Human Resources to ensure that approved reasonable accommodations (disability-related) are honored as applicable throughout any process related to this policy.

### **1.3 Purpose**

This policy identifies and defines Prohibited Conduct and the process the College uses to respond to allegations of Prohibited Conduct.

The College will address all disclosures and reports of allegations of sex discrimination or retaliation. It will take necessary measures to end conduct that is in violation of this policy, prevent its recurrence, and remedy its effect on individuals and the community.

Situations involving conduct that may be in violation of other college student or employee conduct policies should be reported to the Dean of Students for matters involving students, or Human Resources or the Provost and Vice President for Academic Affairs for matters involving staff or faculty.

#### **1.4 Application**

This policy applies to the entire College community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus, and third parties such as guests, visitors, volunteers, invitees, and alumni when they are on campus or participating in College-sponsored activities.

This policy may also pertain to instances in which the conduct occurred outside of the campus or College -sponsored activity if the College determines that the off-campus conduct affects a substantial College interest, including access to the educational program or activity, safety and security, compliance with applicable law, and meeting its educational mission. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational or employment opportunities and/or benefits of any member of the College community on the basis of sex may be in violation of this policy.

Members of the College community are expected to participate in any report, meeting, or proceeding under this policy.

Any [respondent](#) who is not a college student, faculty member, or staff member is generally considered a third party. The College's ability to take appropriate corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, with the College. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office. The Title IX Coordinator reserves the right to report alleged violations to the institutions where the third-party is enrolled or employed.

The status of a [party](#) may also impact which resources and [remedies](#) are available to them from the College.

#### **1.5 Prohibited Conduct**

This policy prohibits sex discrimination, including sex-based harassment, and retaliation as defined below. These acts shall also be referred to as Prohibited Conduct under this policy:

##### 1.5.1 Discrimination on the Basis of Sex

Discrimination (disparate treatment and/or disparate impact) occurs when an adverse action is taken against a Keene State College community member in an educational program or activity and the action is based upon one's protected class status. Disparate treatment occurs when one suffers less favorable treatment than others because of their protected class status. Disparate impact occurs when a university policy or practice, although neutral on its face, adversely impacts persons in a protected class.

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, [pregnancy or related conditions](#), sexual orientation, gender expression, and gender identity.

##### 1.5.2 Sex-Based Harassment

Sex-based harassment, as defined under the Title IX Final Rule of 2024, is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender expression, and gender identity.

Sex-Based Harassment includes the following:

- a. Quid pro quo harassment: An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- b. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - The degree to which the conduct affected the [complainant](#)'s ability to access the College's education program or activity;
  - The type, frequency, and duration of the conduct;
  - The parties' ages, roles within the College's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
  - The location of the conduct and the context in which the conduct occurred; and
  - Other sex-based harassment in the College's education program or activity.
- c. Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature constitutes sexual harassment when:
  - a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- d. Sexual assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Specifically, this includes:

Non-Consensual Sexual Penetration —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 other party.

Fondling - Touching the private body parts of another person for the purpose of sexual gratification, without the consent of the other party, including instances where the other party is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

Non-Consensual Sexual Contact- Intentionally touching the intimate body parts, such as breasts, buttocks, groin, genitals, or the clothing covering them, of another person, or forcing or coercing another person to touch your intimate body parts or themselves without consent.

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

Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent. In New Hampshire, the age of consent is sixteen (16).

- e. Dating violence: [violence](#) committed by a person:
  - Who is or has been in a social relationship of a romantic or intimate nature with the other party; and
  - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship;
    - The type of relationship; and
    - The frequency of interaction between the persons involved in the relationship.
- f. Domestic violence: felony or misdemeanor crimes of violence committed by a person who:
  - Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the College, or a person similarly situated to a spouse of the victim;
  - Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - Shares a child in common with the victim; or
  - Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
- g. Stalking: Engaging in a [course of conduct](#) 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.
- h. 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. Examples of Sexual Exploitation include:
  - i. Using any device for the purpose of observing, recording, or streaming of the intimate parts of a person or their sexual activity when there is a reasonable expectation of privacy without the other person's knowledge or consent.
  - ii. Making, sharing, posting, streaming, or otherwise distributing images, photographs, video or audio of another person's sexual activity or intimate parts, if the individual distributing the content knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
  - iii. Observing, spying on or listening to a person(s) involved in sexual activity or in any state of undress, in a place where that other person would have a reasonable expectation of privacy, without that person's consent. Voyeurism also occurs when an individual allows others to observe this behavior without the consent of all parties involved.
  - iv. Knowingly transmitting a disease or infection to someone without their knowledge or consent by means of sexual contact.
  - v. The prostituting of another person or the trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.
  - vi. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections.



- vii. Contact between the intimate body parts of a person and the sexual organ of another due to the purposeful removal of any prophylactic barrier without consent (e.g., non-consensual dental dam or condom removal; ‘stealthing’).

### 1.5.3 Retaliation

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College’s education program or activity, for the purpose of interfering with any right or privilege secured by this policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or student who refuses to participate) in any manner in an investigation or hearing. Employees of the College may have other requirements to participate in an investigation or resolution process that do not otherwise violate applicable state or federal law.

Retaliation may occur even where there is a [finding](#) of “not responsible” under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not retaliation.

### **1.6 Title IX Coordinator**

The College is committed to promoting a diverse, equitable, and inclusive working and learning environment free from sex discrimination. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education and training; and coordinating the College’s investigation, response, and resolution of all reports of Prohibited Conduct under this policy. The Title IX Coordinator acts with independence and authority and oversees all resolutions under this policy free from bias and conflicts of interest. The Title IX Coordinator is available to meet with any student, employee, or other individual to discuss this policy or the accompanying procedures and can be contacted at:

Jeffrey Maher  
Title IX Coordinator  
48 Butler Court Room 209  
[Titleix@keene.edu](mailto:Titleix@keene.edu)  
603-358-2010

### **1.7 Delegation of Duties**

The Title IX Coordinator may designate other college employees or external professionals to fulfill any obligations in this policy. As used in this policy, the term Title IX Coordinator refers to the person occupying that role or their designee.

### **1.8 Academic Freedom**

The College is dedicated to an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth. This policy and procedures are not intended to inhibit or restrict free expression or exchange of ideas, abridge academic freedom, or prohibit educational content or discussions inside or outside of the classroom that includes germane, but controversial or sensitive subject matters protected by academic freedom.

Before proceeding with or continuing an investigation of any report of harassment or retaliation that involves an individual’s speech or other communication, the College will take care to distinguish between protected speech and

hostile environment harassment. Speech or expressive conduct that constitutes sex-based harassment is neither legally protected expression nor the proper exercise of academic freedom. The Title IX Coordinator will act as needed to restore or preserve a person's access to the College's education program or activity.

A person's subjective belief alone that behavior is offensive does not necessarily mean that the conduct rises to the level of a policy violation. The behavior must also be objectively offensive.

### **1.9 Crime and Incident Disclosure Obligations**

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that the College report the number of incidents of certain crimes, including some of the Prohibited Conduct in this policy, which occur in particular campus-related locations. The Clery Act also requires the College to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, the College will ensure that a complainant's name and other identifying information is not disclosed. The Title IX Coordinator will refer information to the Clery Officer when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

### **1.10 Amorous Relations Policy**

The University System of New Hampshire's (USNH) Amorous Relations Policy can be found [here](#).

## **2. REPORTING SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT**

### **2.1 Employee Reporting Obligations**

The College believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of sex discrimination. All employees, with limited exceptions as identified by the College, are required to immediately provide to the Title IX Coordinator all complaints or disclosures of sex discrimination, including sex-based harassment, reported to the employee and share all information made available to the employee.

When providing this information to the Title IX Coordinator, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident as well as any details the employee may have personally observed.

When an individual informs an employee of a student's [pregnancy or related conditions](#), the employee must provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the education program or activity.

These reporting requirements increase the likelihood that individuals will receive access to supportive measures, ensure that all College community members have equitable access to the resolution processes, and allow Keene State to take appropriate action consistent with its Title IX obligations and educational mission while still respecting individual agency and autonomy.

Researchers conducting an IRB-approved human subjects research study designed to gather information about sex discrimination need to apply for exemption to not report disclosures to the Title IX Coordinator. For additional information about the exemption process please contact the Title IX Coordinator.

The College also encourages employees who themselves experience sex discrimination to bring their concerns to the Title IX Coordinator, though they are not required to do so.

Aside from reporting to the Title IX Coordinator, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with the Family Educational Rights and Privacy Act of 1974 (FERPA). Additional information on FERPA may be found [here](#).

In addition, employees of the College are considered by law to be mandatory reporters of child abuse, elder abuse, or abuse of persons with disabilities. These employees are required by law to report incidents of abuse to the Division for Children, Youth and Families (DCYF), pursuant to the RSA 169-C. A fuller description of the mandatory child abuse reporting obligation and those covered by that obligation can be found [here](#).

## **2.2 Public Awareness Events**

When the Title IX Coordinator learns of a disclosure that may reasonably constitute sex-based harassment made during a public awareness event that takes place on campus or in a College-sponsored online platform, the College is not obligated to act in response to the information, unless there is an imminent and serious threat to someone's health or safety.

In all cases, however, the College must use the information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

## **2.3 Supportive Measures**

Individuals who report allegations of Prohibited Conduct have the right to receive supportive measures regardless of whether they file a complaint. Supportive measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a [complainant](#) or [respondent](#), not for punitive or disciplinary reasons, and without fee or charge to the parties to:

- Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or
- Provide support during the College's resolution procedures or during an alternative resolution process.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; [no-contact directives](#) (which may be mutual or unilateral at the discretion of the Title IX Coordinator); and training and education programs related to sex-based harassment.

Supportive measures will also be offered to respondents when they are notified of allegations.

Any supportive measures put in place will be kept confidential, except when doing so impairs the ability of the College to provide the supportive measures.

The College will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to the College's program or activity or provide support during the College's agreement-based resolution process or investigation and decision-making procedures. Parties have the right to request supportive measures from the College regardless of whether they desire to make a complaint or seek other resolution pathways.

The Title IX Coordinator has the discretion to implement or modify supportive measures. A party may challenge the College's decision to provide, deny, modify, or terminate supportive measures when such measures are applicable to them. An impartial employee will be designated to consider modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures. The impartial employee will typically respond to the challenge within five (5) [days](#).

#### **2.4 How to Make a Report to the College**

All complaints of violations of this policy will be taken seriously and in good faith. The Title IX Coordinator will provide information and guidance regarding how to file a complaint with the College and/or local law enforcement, as well as information and options to address the complaint.

Employees, students, guests, or visitors who believe that this policy has been violated should promptly contact the Title IX Coordinator or another member of the Title IX Office as follows:

Jeffrey Maher  
Title IX Coordinator  
48 Butler Court Room 209  
[titleix@keene.edu](mailto:titleix@keene.edu)  
603-358-2010

Individuals may also fill out this reporting form: <https://www.keene.edu/featured/reporting-at-ksc/>

There is no deadline for making a report of sex discrimination, however, the College encourages the prompt reporting of a complaint as the ability of the College to pursue the complaint to conclusion may be hindered by the passage of time.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. When responding to reports, the College will consider the wishes of those identified as impacted by Prohibited Conduct. In certain circumstances, the College may initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that the College not initiate an investigation.

#### **2.5 Amnesty**

An individual who reports Prohibited Conduct under this policy shall not be subject to a disciplinary proceeding or sanction for a violation of Keene State's student conduct policy related to the incident unless the institution determines that the report of Prohibited Conduct was not made in good faith or that the associated policy violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of oneself or other persons at risk. Students should be aware that any such grant of immunity from disciplinary action by the College has no effect on actions by law enforcement agencies.

#### **2.6 Privacy and Confidentiality**

The College values the privacy of its students, employees, and other community members. Individuals should be able to seek the assistance they need and access this policy without fear that the information they provide will be shared more broadly.

All activities under these procedures shall be conducted considering the privacy interests of those involved. While the College will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus to address a complaint or provide for the physical safety of an individual or the campus. Thus, the College cannot, and does not, guarantee that all information related to complaints will be kept confidential.

Under USNH policy, the Title IX Coordinator or designee must provide the College President notice of any allegation of sexual misconduct involving an employee. See [BOT V \(c\)\(6\)\(1\)](#).

## 2.7 Confidential Resources

Individuals may choose to speak with a [Confidential Resource](#). These individuals (e.g., licensed mental health care providers, physicians) hold legal privilege under federal or state law and may not report to Title IX Coordinator any identifying information without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Title IX Coordinator or initiate any process under this policy.

To discuss options, resources, and other supportive measures in a local, confidential setting please contact [The Wellness Center](#) located in Elliot Center. The Wellness Center provides a wide variety of medical, emotional, and health and wellness promotion services to all students at the College. Additional information about The Wellness Center is included below:

The Wellness Center: 603-358-2200 (business hours).

- [Counseling Services](#) – After hours 24/7: 603-358-2436
- [Medical Services](#)

[MCVP: Crisis and Prevention Center](#): 24-hour confidential hotline: 1-888-511-6287 or 603-352-3782.

MCVP provides confidential crisis intervention services, including medical, legal and court advocacy, financial advocacy, crisis counseling, safety planning, and referrals to other resources. MCVP provides secondary support for an individual's friends and family. Their advocates may also be able to help victim/survivors with unbundled or pro bono legal services, financial compensation, access to food, clothing, and transportation. MCVP is oftentimes on campus facilitating prevention education and can meet students and employees on campus for support. MCVP is designated as a Confidential Resource Advisor (CRA) as outlined in New Hampshire RSA 188-H:7.

### Additional National Resources:

- [National Sexual Assault Hotline](#) 1-800-656-4673
- [National Domestic Violence Hotline](#) 1-800-799-7233
- [The Network La Red](#) (LGTBQIA+ relationship violence hotline) 1-800-832-1901
- [Safe Horizon Stalking Hotline](#) 1-800-621-4673
- [National Human Trafficking Hotline](#) 1-888-373-7888

A list of resources may be found in the [Resource Appendix](#).

## 2.8 Reporting to Law Enforcement

Some Prohibited Conduct may constitute a violation of both the law and College policy. The College encourages students to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file a report with law enforcement, as well as the right to decline to file a report with law enforcement. The absence of a report to law enforcement shall not be considered as evidence that there is no violation of College policy.

The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Conduct may constitute Prohibited Conduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to the College as well as to law enforcement, the College may delay its investigation process if a law enforcement agency requests a delay for a reasonable amount of

time to allow law enforcement to gather evidence of criminal misconduct. Criminal or legal proceedings are separate from the processes in this policy and do not determine whether this policy has been violated.

In the case of an emergency, where the physical safety of a member of the College community or the security of the College is threatened, any individual with such knowledge should promptly inform the Department of Campus Safety and/or Keene Police Department. The College may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the safety of the College community.

## **2.9 Medical Considerations**

Individuals may wish to seek medical attention. Along with treatment of injuries, prompt medical examinations can test for pregnancy and STI's, and provide post exposure treatment for HIV.

A forensic medical examination can also secure valuable evidence that could be used later if a person wishes to involve law enforcement. Physical evidence may exist up to five (5) days, or longer, after a sexual assault or rape, though individuals are recommended to receive an examination as soon as possible. Local medical facilities can arrange to have a specially trained Sexual Assault Nurse Examiner (SANE) conduct a forensic examination, which collects evidence from a person's body, clothes, and other belongings. A confidential advocate can meet an individual at the hospital to provide emotional support, which would be arranged by the hospital. The results of this examination can be provided to law enforcement anonymously. Transportation to and from a Keene, New Hampshire medical center is available through the Department of Campus Safety, if requested, by individuals who have experienced sexual or relationship violence.

- [Cheshire Medical Center](#): 580 Court St, Keene, NH 03431; (603) 354-6600
- [Monadnock Community Hospital](#): 452 Old Street Rd, Peterborough, NH 03458; (603) 924-7191

When an individual seeks a forensic examination at a hospital, the Office of the Attorney General will pay the cost for medical expenses, including the physical examination, provided the incident is reported to the police. Other expenses related to the incident may also be provided at no cost to the individual through the [Victim's Compensation Program](#).

## **3 RESPONDING TO A REPORT – FUNDAMENTAL REQUIREMENTS**

The following process will be used following the receipt of a report of sex discrimination.

### **3.1 Intake & Assessment**

Following receipt of a report alleging a potential violation of this policy, the Title IX Coordinator will contact the complainant and request an opportunity to meet. This initial intake and assessment meeting will provide the following:

1. An invitation to meet to offer assistance and explain rights, resources, and options under this policy;
2. Access to this policy;
3. Information regarding available campus and community resources for counseling, health care, mental health, or confidential advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
4. The availability of supportive measures regardless of whether a complaint is filed and/or any resolution process is initiated;
5. The options for resolution (no action, prevention, agreement, investigation/adjudication) and how to initiate such resolution processes;
6. The right to notify law enforcement as well as the right not to notify law enforcement;
7. The importance of preserving evidence and, in the case of potential criminal misconduct, how to access assistance from Campus Safety or local law enforcement in preserving evidence;
8. The right to an [advisor](#) of choice during College proceedings including the initial meeting with the Title IX Coordinator;



9. A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited;
10. Information on how to initiate the Investigation or Resolution-Based Agreement process.

The intake and assessment may gather limited information about the nature and circumstances of the report to determine whether this policy applies and, if so, which resolution process may be appropriate based on the conduct and the relationship of the parties to the College. The Title IX Coordinator may also determine that the provision of supportive measures only is the appropriate response under the policy. The intake and assessment is not a [finding](#) of fact or responsibility nor does it obligate the complainant to a particular resolution pathway. If the individual bringing forward the report is not the actual complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

Should the complainant wish to initiate a resolution process, the Title IX Coordinator will determine whether this policy applies and, if so, the appropriate process under this policy. The Title IX Coordinator will communicate this determination to the complainant.

If the information provided does not suggest a potential violation of this policy, the Title IX Coordinator will advise the complainant if the matter is being referred for handling under a different policy, and/or to another appropriate office or no further action will be taken. Such a decision will not preclude the complainant from accessing appropriate supportive measures.

### **3.2 Requests for Confidentiality or No Further Action**

When a complainant requests that the College not use their name as part of any resolution process, or that the College not take any further action, the College will generally try to honor those requests. However, there are certain instances in which the College has a broader obligation to the community and may need to act against the wishes of the complainant. In such circumstances, the Title IX Coordinator will notify the complainant in writing of the need to take action. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a complainant include:

1. The complainant's request not to proceed with initiation of a complaint;
2. The complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a complaint were not initiated;
4. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee of the College;
6. The scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a [decision maker](#) in determining whether sex discrimination occurred;
8. Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its resolution procedures under this policy.
9. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents the College from ensuring equal access on the basis of sex to its education program or activity.

### **3.3 Emergency Removal**

For matters alleging sex discrimination and sex-based harassment, the College retains the authority to remove a respondent from the College's program or activity on an emergency basis, where the College:

1. undertakes an individualized safety and risk analysis; and
2. determines that an immediate and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations of sex discrimination or sex-based harassment warrants removal; and

3. The College provides the respondent with [notice](#) of, and an opportunity to challenge, the decision immediately following the removal.

A respondent may challenge an emergency removal decision by notifying the Title IX Coordinator in writing. The College will designate an impartial individual, not otherwise involved in the matter, to consider the challenge to the removal and determine if the emergency removal was warranted.

### **3.4 Administrative Leave**

The College retains the authority to place an employee respondent on administrative leave during a pending complaint process under this policy, with or without pay as appropriate. Administrative leave may be a supportive measure, emergency removal, or consistent with [USY.V.C. 16.3](#). Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

### **3.5 Dismissal of a Complaint**

Before dismissing a complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

The College may dismiss a complaint if:

1. The College is unable to identify the respondent after taking reasonable steps to do so;
2. The respondent is not participating in the College's education program or activity and is not employed by the College;
3. The complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator declines to initiate a complaint;
4. The complainant voluntarily withdraws some, but not all, allegations in a complaint in writing and the College determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this policy; or
5. The College determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this policy.

Upon dismissal, the College will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will notify the parties simultaneously in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification. A complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

The College will notify the complainant that a dismissal may be appealed on the basis outlined in the [Appeals section](#). If dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed on the same basis. If a dismissal is appealed, the College will follow the procedures outlined in the Appeals section of these procedures.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and,
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College's education program or activity.



### **3.6 Referrals for Other Misconduct**

The College has the discretion to refer complaints of misconduct not covered by this policy to be addressed under any other applicable College policy or code. As part of any such referral, the College may use evidence already gathered through any process covered by this policy.

Should there be a conflict between the provision of this policy and other College policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy will govern unless specifically stated otherwise.

This policy and these procedures are separate from the College's student disciplinary processes, by which the College may bring a discipline charge against a student for violating College policy according to the provisions found in the College's [Code of Conduct](#).

### **3.7 Consolidation of Cases**

The College may consolidate complaints under this policy as appropriate. For example, if there are multiple complaints where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple complaints with overlapping parties.

The College also reserves the right to use this policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct under this policy. The Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as the Office of Community Standards and Human Resources. Allegations of a violation of a separate policy are not required to be addressed using the procedural requirements set forth in this policy.

### **3.8 Student Withdrawal or Employee Resignation While Matters are Pending**

If a student or employee respondent withdraws or resigns from the College after receiving notice of a complaint and with unresolved allegations, the College will consider whether and how to proceed with the resolution process. The College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

A student respondent who withdraws with unresolved allegations may not return to the College without first resolving any pending matters. Admissions will be notified that the student cannot be readmitted. They may also be barred from College property or events. If a student respondent takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely.

An employee respondent who resigns with unresolved allegations is not eligible for rehire with the College and the records retained by the Title IX Coordinator will reflect that status. The Title IX Coordinator will notify the Director of Human Resources of the unresolved allegation(s).

## **4 OPTIONS FOR RESOLUTION**

There are multiple ways to resolve a complaint or report of sex discrimination. Whenever possible, the College will use the resolution method chosen by the complainant. During the resolution of a complaint, the Title IX Coordinator will determine whether to implement reasonable supportive measures designed to assist all parties and community members in maintaining access to, and participation in, College programs and activities.

### **4.1 Support-Based Resolution**

A support-based resolution is an option for a complainant who does not wish the College to take any further steps to address their concern and the Title IX Coordinator determines that another form of resolution, or further action, is not required. Supports that may be appropriate include, but are not limited to:

- adjustments or changes to class schedules;
- moving from one residence hall room to another;
- adjusted deadlines for projects or assignments;
- adjustments to work schedule or arrangements;
- restrictions on contact applied to one or more parties;
- escorts to and around campus;
- and counseling services.

A support-based resolution does not preclude later use of another form of resolution. For example, if new information becomes available to the College and the Title IX Coordinator determines there is need for additional steps to be taken, or the complainant later decides to pursue agreement-based resolution, investigation, or investigation and hearing the parties may seek another form of resolution.

## **4.2 Agreement-Based Resolution**

An agreement-based resolution is a voluntary, structured arrangement between or among involved parties that integrates support and accountability. Agreement-based resolution is an alternative to the investigation and decision-making process and can be accessed without first initiating those processes.

All parties must voluntarily consent to engage in the agreement-based resolution process and the Title IX Coordinator must approve of the use of this process and approve the final agreement between the parties. Keene State may never condition a party's enrollment, employment, or enjoyment of any other right or privilege upon participating in an agreement-based resolution.

Agreement-based resolution may be initiated at any time prior to the release of the final determination under other resolution pathways. Once initiated, the process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator as appropriate. Parties will be notified, in writing, of any extension and the reason for the extension.

During an agreement-based resolution process, supportive measures will remain available to the parties and the Title IX Coordinator will also, to the extent necessary, take prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the College's education program or activity.

If an agreement cannot be reached, for any reason, the Title IX Coordinator may determine that the reported conduct will instead be addressed through the investigation or investigation and hearing process and will inform the parties.

### **4.2.1 Facilitating an Agreement-Based Resolution**

If all parties are willing to explore agreement-based resolution, the Title IX Coordinator will discuss separately with each party the process and agreement provisions.

Any party may suggest provisions to the proposed agreement and parties will be asked for their suggestions or ideas. Agreement provisions may include, but are not limited to:

- a change to a party's class schedule and/or housing assignment;
- an agreement that parties will not communicate or otherwise engage with one another;
- an agreement to engage in restorative practice or facilitated dialogue;
- completion of a training or educational project by the respondent;
- completion of community service by the respondent;
- acceptance or denial of responsibility by a party;
- discipline agreed upon by all parties;

- community-based remedies.

Information and evidence (including admissions of responsibility) the parties share or receive while participating in the resolution process is confidential. No evidence concerning the allegations obtained within the process may be disseminated to any person, provided that any party to the agreement-based resolution process may generally discuss matters as it relates to allegations of Prohibited Conduct with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization.

If an agreement cannot be reached, information disclosed or obtained for purposes of the agreement-based resolution process may be incorporated into subsequent investigation and decision-making processes.

#### 4.2.2 Notice Requirements

Before the initiation of an agreement-based resolution, the Title IX Coordinator must provide the parties written [notice](#) explaining:

- The allegations;
- The requirements of the agreement-based resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the process and to initiate or resume an investigation and decision-making process;
- That the parties' agreement to a resolution at the conclusion of the agreement-based resolution process precludes the parties from initiating or resuming other resolution processes at the College arising from the same allegations;
- The potential terms that may be requested or offered in an agreement-based resolution agreement, including notice that any agreement is binding only on the parties; and
- What information Keene State will maintain and whether and how Keene State could disclose such information for use in its investigation and decision-making process if so initiated or resumed.

#### 4.2.3 Finalizing the Resolution Agreement

Once the Title IX Coordinator approves the agreed upon terms of the Resolution Agreement and all parties provide written acknowledgment, the matter will be closed. No further actions will be taken beyond those established in the agreement. No appeal is permitted.

Records of an agreement-based resolution can be shared with other offices as appropriate.

Violations of Resolution Agreement terms may result in referral to the appropriate office for disciplinary action.

### **4.3 Investigation and Decision-Making Procedures**

This policy includes two types of investigation and decision-making procedures.

1. All Prohibited Conduct matters except for sex-based harassment involving a student as a party,
2. Sex-based harassment involving a student as a party.

### **4.4 General Information**

The following information applies to both types of investigation and decision-making procedures:

#### 4.4.1 Acceptance of Responsibility

If a respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the Title IX Coordinator or designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s).

#### 4.4.2 Conflict of Interest or Bias

After a Notice of Investigation is issued to all parties, any party may object to the participation of the Title IX Coordinator or designated investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) days from the date of the Notice of Investigation to object to the selection of the investigator or the Title IX Coordinator.

Objections to the Title IX Coordinator are to be made, in writing, to the Chief of Staff. Objections to the appointment of the investigator are to be made in writing, to the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Title IX Coordinator or the investigator, that individual shall be replaced. Any change will be communicated in writing.

#### 4.4.3 Timeline

In those cases that do not include a hearing, the College strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation. In those cases that include a hearing, the College strives to complete the investigation process and hearing within 120 days of the Notice of Investigation.

The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the newly anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

The College shall not unreasonably deny a student party's request for an extension of a complaint process deadline during exam periods.

The investigator and/or Title IX Coordinator may provide the parties with periodic status updates, in writing.

#### 4.4.4 Standard of Review

The College has the duty of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This duty does not rest with either party. The standard of proof used in the investigation and decision-making process is the preponderance of the evidence standard, which means more likely than not.

#### 4.4.5 Written Notice of Meetings

The College will provide the parties written [notice](#) of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

#### 4.4.6 Advisors of Choice

Keene State will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the [advisor](#) of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of the advisor in any meeting or proceeding.

#### 4.4.7 Evidence Gathering

##### *Interviews*

The investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person or via video conference. The investigator will ask questions related to the allegations and a party is provided the opportunity to speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less

likely that someone committed a violation). The investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

All interviews shall be recorded to the extent feasible. Individuals present will be made aware of audio and/or video recording of the interview. Any interview recordings are the sole property of the College. Unauthorized audio or video recording of any proceedings under this policy is prohibited.

#### *Relevant Evidence*

Evidence is relevant when it is related to the allegations under investigation. Questions are relevant when they seek evidence that may aid in showing whether the allegation occurred, and evidence is relevant when it may aid a [decision maker](#) in determining whether the allegations occurred.

#### *Impermissible Evidence*

The following types of evidence are impermissible and will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

1. Evidence that is protected under a privilege recognized by federal or state law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. Evidence provided to an employee designated by the College as exempt from internal reporting under this policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
3. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its resolution procedures; and
4. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

#### 4.4.8 Appeal Procedure

A party may appeal the dismissal of a complaint, the outcome of an investigation and/or the outcome of a hearing. Appeals must be filed in writing to the Title IX Coordinator within ten (10) days following the issuance of the Notice of Outcome or dismissal. The Title IX Coordinator will send the appeal to the Appellate Officer assigned to conduct a written review of the appeal(s) and to make a final determination.

When an appeal is filed, the other party or parties shall be notified and provided with a copy of the filed appeal within one (1) day and have five (5) days to respond to the appeal in writing. A party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) days of an Appellate Officer being assigned, either party may provide written objection to the Appellate Officer on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another Appellate Officer.

Appeals may be filed only on the following four grounds:

1. Procedural Error: A procedural error occurred and would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or,

2. Disproportional Sanction: When applicable, the sanction is disproportional to the findings; or
3. New Evidence: New evidence or information has arisen that was not available or known to the party during the investigation or hearing, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
4. Actual Conflict of Interest or Demonstrated Bias: The Title IX Coordinator, investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

The Appellate Officer will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appellate Officer's decision to the parties. The decision of the Appellate Officer is final.

#### **4.5 Investigation and Decision-Making Procedures for All Prohibited Conduct Except Sex-Based Harassment Involving a Student Party**

This procedure is for all matters of Prohibited Conduct being investigated and determined under this policy except for sex-based harassment involving a student as a party.

The College will assign a trained investigator to conduct a thorough, reliable, and impartial investigation in a reasonably prompt timeframe. The College reserves the right to utilize internal or external advisors, investigators, and decision makers.

All parties have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the investigator and that will be considered by the decision maker.

##### 4.5.1 Notice of Investigation

Prior to the start of an investigation, the parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, a revised written Notice of Investigation shall be provided to all parties.

Upon initiation of the investigation and decision-making process the Title IX Coordinator will notify the parties of the following:

1. This policy and any informal resolution process;
2. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
3. That retaliation is prohibited; and
4. The parties are entitled to an equal opportunity to access the relevant, and not otherwise impermissible evidence, or an accurate description of the evidence.

The investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the investigator and the party or witness may attend each individual interview. A party's advisor may attend these meetings, subject to the rules described in this policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator, including individuals in

connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process and may be subject to further College discipline for failure to do so.

The investigator will then gather from parties, witnesses, and other sources, all relevant evidence.

The investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The investigator may conduct follow-up interviews as they deem appropriate.

#### 4.5.2 Review of Evidence:

Keene State will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. Keene State will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Keene State will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an investigative report that fairly summarizes relevant evidence.
- The investigative report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of the relevant evidence.
  - Only relevant evidence (including both inculpatory and exculpatory – i.e., tending to prove and disprove the allegations) will be referenced in the investigative report.
- The investigator may redact irrelevant information from the investigative report when that information is contained in documents or evidence that is/are otherwise relevant.
- The Title IX Coordinator will provide each party with a period of ten (10) days to review the investigative report and provide a written response prior to delivering the report to the decision maker.

#### 4.5.3 Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility

When a party or witness's credibility is in dispute, and such dispute is relevant to evaluating one or more allegations of sex discrimination, the decision maker must have an opportunity to question any party or witness whose credibility is in dispute in a live format.

The decision maker will question parties and witnesses separately to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. This will occur during individual meetings with a party or witness.

Each party shall have the opportunity to propose questions that the party wants asked of any party or witness and have those questions asked by the decision maker during one or more individual meetings, including follow-up meetings with a party or witness, subject to the appropriate procedures outlined herein regarding the decision maker's advance evaluation of all questions.

#### 4.5.4 Determination Regarding Responsibility

The decision maker, having reviewed the investigative report and all relevant evidence, shall render a determination as to whether Prohibited Conduct occurred and determine what, if any, discipline is appropriate.

The Title IX Coordinator shall then determine the appropriate remedy(ies) for the complainant and any impacted parties.

The Title IX Coordinator shall then provide the parties, and their advisor should the party wish the advisor to receive it, with a written Notice of Outcome. The Notice of Outcome shall include:

1. A statement of, and rationale for, any [disciplinary sanctions](#) the College imposed on the respondent;
2. A statement as to whether remedies will be provided to the complainant;
3. For the complainant, a description of any remedies that apply to the complainant;
4. The College's procedures and the permitted reasons for the parties to appeal;
5. How to object to the assigned Appellate Officer on the basis of actual bias or conflict of interest.

The determination regarding responsibility becomes final either on the date the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which the appeal period expires.

Determinations may be appealed in writing by either party in adherence to the [Appeal Procedure](#).

#### **4.6 Investigation and Decision-Making Procedures in Cases of Sex-Based Harassment Involving a Student**

The following describes the investigation and decision-making procedures for matters of sex-based harassment in which a student is either a complainant or respondent, regardless of the status of the other party.

##### 4.6.1 Notice of Investigation

Prior to the start of an investigation, the parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, a revised written Notice of Investigation shall be provided to all parties.

The [Notice](#) shall include, at a minimum:

1. The College's investigation procedures, including the applicable determination procedure that will be used in the investigation and resolution, and a link to the relevant policies;
2. Information about the agreement-based resolutions, with a link to the full procedures;
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
4. A statement that retaliation is prohibited;
5. The Notice will inform the parties that the investigator will establish and communicate, in writing, the date, time, location, participants, and purpose of all meetings or proceedings allowing sufficient time for the party to prepare. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s).
6. A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process;
7. A statement that the parties may have an advisor of their choice who may be, but is not required to be, an attorney;
8. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and an investigative report that accurately summarizes this evidence;
9. A statement that false statements are expressly prohibited.

##### 4.6.2 Individual Interviews

The investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the



parties the names of relevant witnesses and relevant evidence. Only the investigator and the party or witness may attend each individual interview. A party's advisor may attend these meetings, subject to the rules described in this policy. Additional attendees may be permitted at the discretion of the Title IX Coordinator, including individuals in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process and may be subject to further College discipline for failure to do so.

The investigator will then gather from parties, witnesses, and other sources, all relevant evidence.

The investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The investigator may conduct follow-up interviews as they deem appropriate.

#### 4.6.3 Investigator Determination of Relevance

The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence that is not relevant will not be considered.

#### 4.6.4 Evidence Review

The investigator will prepare a written report summarizing all relevant evidence gathered and all steps taken during the investigative process. The Title IX Coordinator will provide each party with a period of ten (10) days to review the investigative report and provide a written response prior to delivering the report to the decision maker(s).

The parties and their advisors of choice will also have an equal opportunity to access and review the underlying relevant and not otherwise impermissible evidence summarized in the investigative report upon the request of any party.

When deemed appropriate by the investigator, the investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have five (5) days to provide a response to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The investigator will consider the parties' written responses before finalizing the investigative report.

Once the investigative report is final, the report shall be provided to each party and to their advisor, if any, in a secure manner.

#### 4.6.5 Notice of Hearing

Following conclusion of the investigation, each party shall be provided with a Notice of Hearing, which shall include information regarding the date of the hearing, the identity of the Hearing Panel/decision maker<sup>1</sup>, the process to be used at the hearing, and names of witnesses. The hearing shall be scheduled no less than ten (10) days from the date of the Notice of Hearing.

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<sup>1</sup> As used in the policy, a decision maker refers to trained professionals designated by the College to decide responsibility, sanction, or appeals. A decision maker may be one person, or a panel of multiple people as determined by the College.

Within three (3) days of receipt of the Notice of Hearing, either party may object to a Hearing Panel/decision maker on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the decision maker and appoint another.

#### 4.6.6 Hearing Procedures

The purpose of a hearing is for a [decision maker\(s\)](#) to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. The College expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via video conferencing. The Title IX Coordinator may determine that the hearing will continue in the absence of any party or any witness.

The decision maker(s) shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The decision maker(s) shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by the College and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the College but shall be available for listening until the conclusion of the appeals process to the complainant, respondent, their respective advisors, and appellate officer by contacting the Title IX Coordinator.

#### *Prior to the Hearing*

The parties and the decision maker(s) all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness at least five (5) days in advance of the hearing.

Only witnesses who participated in the investigation will be permitted to participate in the hearing unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the investigator, and what information the witness has that is relevant to the allegations. The decision maker(s) will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The decision maker(s) may instead send the case back to the investigator to interview the newly proffered witness prior to the hearing taking place.

A list of witnesses approved by the decision maker(s) will be provided to the parties at least three (3) days prior to the hearing.

Three (3) days prior to the hearing, each party shall submit to the decision maker(s) a preliminary list of questions they wish to pose to the other party, or to a witness. If the decision maker determines that any questions are not relevant or seeks otherwise impermissible evidence, the decision maker shall exclude the question and explain the reason for the exclusion of the question at the hearing. The decision maker(s) must give a party an opportunity to clarify or revise any question that has been determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.

Parties may also submit introductory and closing statements before the hearing but are not required to do so.

#### *Advisor*

Each party is entitled to be accompanied by one [advisor](#) at the hearing. The advisor's role is to help the party understand and navigate the proceedings. The advisor may not advocate for, respond for, or otherwise speak on behalf of a party during the hearing. If a party does not appear for the hearing, the advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party.

#### *Support Persons*

Parties may select a support person of their choice to accompany them to any meetings, interviews, or hearings. A support person may provide emotional support during meetings. A support person cannot speak on behalf or otherwise represent a party during meetings. A party may choose to change a support person at any time or choose to proceed without one. The support person will not be included in communications from the College or Title IX Office.

#### *Hearing Participation Guidelines*

The decision maker shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary to adjourn the hearing or exclude the disruptive person. In the event the decision maker removes an advisor, the decision maker will have the discretion to appoint another advisor for the remainder of the hearing. The decision maker also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. The decision maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.

#### *Statements, Questioning and Presentation of Evidence*

During the hearing, each party will be permitted to provide an introductory statement. Following introductory statements, the decision maker(s) will call parties and witnesses for questioning. The order of questioning shall be determined by the decision maker(s). The decision maker(s) will pose questions to the parties and witnesses including questions approved to be asked that were submitted by each party prior to the hearing. Each party will then be provided an opportunity to submit written follow-up questions to the decision maker(s) to pose to the other party or witnesses. If the decision maker determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the decision maker shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question.

Only the decision maker is permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are not permitted to directly or indirectly question the other party or witness.

Following the questioning of parties and witnesses, each party will be permitted to provide a closing statement.

Parties may provide an impact statement to the decision maker(s), in writing or as an audio-video recording. The decision maker(s) will read and consider impact statements if there is a finding of responsibility, and sanctions are to be imposed.

#### 4.6.7 Determination and Notice of Outcome

Following a hearing, the decision maker(s), having reviewed the investigative report, information shared during the hearing, and all relevant evidence, shall render a determination whether Prohibited Conduct occurred and determine what, if any, discipline is appropriate.

When a student is found responsible for sex-based harassment, the decision maker will determine the sanction and notify the Title IX Coordinator of the sanctioning determination.

When an employee is found responsible for sex-based harassment, the appropriate sanctioning officer will determine the sanction and notify the Title IX Coordinator of the sanctioning determination.

The Title IX Coordinator will provide each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome within seven business days of the determination.

The Notice of Outcome will include:

1. A description of the sex-based harassment and other allegations if applicable;
2. A reference to the policies and procedures used to evaluate the allegations;
3. Description of all procedural steps taken to date;
4. The decision maker's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts;
5. Determinations for each allegation, with the rationale;
6. Sanction determination (if applicable);
7. Whether remedies will be provided;
8. The procedures for an appeal.

The determination regarding responsibility becomes final either on the date the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Determinations may be appealed in writing by either party following the [Appeal Procedure](#).

#### 4.6.8 Failure to Complete Sanctions/Comply with Responsive Actions

All respondents are expected to comply with conduct [sanctions](#)/responsive actions/ corrective actions within the timeframe specified by the College. Respondents needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/responsive actions/corrective actions. Students who fail to comply will be referred to the Office of Community Standards.

### **5. RECORD RETENTION**

In implementing this policy, records of all reports and resolutions will be kept by the Title IX Coordinator in accordance with the applicable College records retention schedule. All records will be afforded the confidentiality protections required by law, including the Family Educational Rights and Privacy Act governing confidentiality of student information.

### **6. ADDITIONAL ENFORCEMENT INFORMATION**

The U.S. Department of Education, Office for Civil Rights (OCR) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.

U.S. Department of Education, Office for Civil Rights  
Boston Office U.S. Department of Education  
8th Floor 5 Post Office Square Boston, MA 02109-3921  
Telephone: (617) 289-0111 Facsimile: (617) 289-0150  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

The U.S. Equal Employment Opportunity Commission (EEOC) investigates reports of unlawful harassment and discrimination, including sex-based harassment, in employment.

U.S. Equal Employment Opportunity Commission

15 New Sudbury Street, Room 475 Boston, MA 02203-0506  
Telephone: 1-800-669-4000

New Hampshire Commission for Human Rights  
2 Industrial Park Drive, Bldg. One Concord, NH 03301  
Telephone: (603) 271-2767 Fax: (603) 271-6339  
E-mail: [humanrights@nh.gov](mailto:humanrights@nh.gov)

## 7. POLICY REVIEW AND REVISION

These policies and procedures will be reviewed by the Title IX Coordinator. This policy may be updated as changes in the law dictate. To the extent that the College is subject to rules, regulations, court decisions, guidance or other laws that are different than what is stated in this policy, those rules, regulations, court decisions, guidance, or laws will be followed.

Procedures in effect at the time of its implementation will apply. The policy definitions in effect at the time of the conduct will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the College website.

## 8. KEY DEFINITIONS

**Advisor:** Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, union representative, or an attorney. The College will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend.

Except where explicitly stated by this policy, advisors shall not participate directly in the process. The College will provide the parties equal access to advisors; any restrictions on advisor participation will be applied equally.

The advisor may not represent, advocate, or speak on behalf of a complainant or respondent. An advisor may not disrupt or impede any resolution proceeding.

**Complaint:** A complaint means an oral or written request to Title IX Coordinator that objectively can be understood as a request for the College to investigate and make a determination about alleged sex discrimination under this policy. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail (email), by using the contact information listed on the College website, or as described in this policy.

**Complainant:** Any individual who has reported being, or is alleged to be, impacted by Prohibited Conduct as defined by this policy, and who was participating in a College program or activity at the time of the alleged misconduct.

**Confidential Resources:** any individual identified by the College who receives information about conduct prohibited under this policy in their confidential capacity and who are privileged under state law will not report Prohibited Conduct disclosed to them without written consent. Designation as a confidential resource under this policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

**Course of Conduct:** means two or more acts directed at a specific person or persons. In the context of stalking, this can include, but is 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.

**Consent:** an informed, voluntary, and mutual decision among all participants to engage in sexual activity, expressed in words or actions. 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 with that particular person or people.

Individuals may experience the same interaction in different ways. Each party is responsible for determining 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.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Past consent does not imply future consent. A current or previous dating relationship is not sufficient to constitute consent. 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. Silence or the absence of resistance alone is not consent.

Consent can be withdrawn at any time during sexual activity through reasonable and clear communications through words or actions. When consent is withdrawn, sexual activity must stop.

Consent cannot be given if any of the following are present:

- a person is unable to understand the nature, fact, or extent of the activity or give knowing consent;
- a person is incapacitated due to the consumption of alcohol or drugs;
- a person is asleep or unconscious;
- a person is under the legal age to provide consent (in New Hampshire, that age is 16 years old);
- a person has a disability that prevents such person from having the ability or capacity to give consent;
- the use of force, threat of force, or coercion (the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will).

**Days:** any reference to days refers to business days when the College is in normal operation.

**Decision maker:** Trained professional designated by the College to decide responsibility, sanction, or appeals. A decision maker may be one person, or a panel of multiple people as determined by the College.

**Disclosure or Report:** A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting sex discrimination under this policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

**Education Program or Activity:** all campus operations, including off-campus settings that are operated or overseen by the College, including, for example, field trips, online classes, and athletic programs; conduct subject to the College's disciplinary authority that occurs off-campus; conduct that takes place via the College-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the College. Conduct that occurs outside of the education program or activity that may contribute to a hostile environment within the program or activity.

**Finding:** a written conclusion by a preponderance of the evidence that the conduct did or did not occur as alleged.

**Incapacitation:** occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). Evidence of impairment or intoxication are insufficient alone to establish incapacitation. Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition(s), involuntary physical restraint, and/or the consumption of incapacitating drugs, or who are sleeping.

Under this policy, the College will consider whether a respondent knew or should have known the complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment. The impairment or intoxication of a respondent is not a defense for misconduct and does not diminish one’s responsibility to obtain consent.

**No-Contact Directive:** A no-contact directive is a document issued by a College administrator that is designed to limit or prohibit contact or communications between the parties. A no-contact directive may be mutual or unilateral, with the exception that a no-contact directive issued as a sanction shall be unilateral, directing that the respondent not contact the complainant.

**Notice:** All notices under this policy are written and sent to the student or employee’s assigned College email address or delivered via U.S. mail to the local or permanent address(es) of the parties as indicated in official College records, or personally delivered to the intended recipient.

**Party/parties:** Referring to complainant(s), respondent(s), or both/all complainant(s) and respondent(s).

**Program or Activity:** Locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the Prohibited Conduct occurs. “Program or Activity” also includes any building owned or controlled by a student organization that is officially recognized by the College. “Program or Activity” broadly includes all operations of Keene State in the United States including any academic, extracurricular, research, occupations training, or other education program or activity operated by the College. It also includes computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Keene State College.

**Pregnancy or related conditions:** includes pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

**Remedies:** Remedies means measures provided, as appropriate, to a complainant or any other person the College identifies as having had their equal access to the College’s education program or activity limited or denied by sex discrimination or other Prohibited Conduct covered by this policy. These measures are provided to restore or preserve that person’s access to the education program or activity after the College determines that sex discrimination occurred. Only the complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for the implementation of remedies.

**Respondent:** an individual, or group of individuals such as a student organization, who has been reported to have been engaged in conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

**Sanctions:** One or more of the sanctions or disciplinary steps listed here may be imposed on a respondent who is found responsible for a violation of the College's policies. Sanctions or disciplinary steps not listed here may be imposed in consultation with the Title IX Coordinator.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable College rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous resolutions or allegations involving similar conduct.
- The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation.
- The need to remedy the effects of the sex discrimination or retaliation on the complainant and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Faculty found responsible for violating this policy may be referred to the appropriate academic official for any other applicable processes.

Possible sanctions and disciplinary steps for student respondents include, but are not limited to the following:

- Probation
- Suspension
- Dismissal
- Expulsion/removal

Possible sanctions and disciplinary steps for staff and faculty respondents include, but are not limited to:

- Oral or written warning
- Suspension
- Probationary period
- Termination

**Student:** Any person who has (or will have) attained student status by way of:

1. Admission, housing, or other services that require student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate or other program offered by the College.

**Substantial College Interest:** includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that substantially interferes with the educational interests or mission of the College.

**Violence:** an actual or an attempt to cause physical injury to another.



## 9. RESOURCE APPENDEX

### 9.1 Privileged and Confidential Resources for Students

#### 9.1.1 Local Resources

To discuss options, the resolution process, resources, and other supportive measures in a local, confidential setting please contact:

- [The Wellness Center – Counseling Services](#): 603-358-2200 (business hours) After hours 24/7: 603-358-2436; located in Elliot Center
- [The Wellness Center – Medical Services](#): 603-358-2200 (business hours); located in Elliot Center
- [MCVP: Crisis and Prevention Center](#): 24-hour confidential hotline: 1-888-511-6287 or 603-352-3782. MCVP provides confidential crisis intervention services, including medical, legal and court advocacy, financial advocacy, crisis counseling, safety planning, and referrals to other resources. MCVP provides secondary support for an individual’s friends and family. Their advocates may also be able to help victim/survivors with unbundled or pro bono legal services, financial compensation, access to food, clothing, and transportation. MCVP is oftentimes on campus facilitating prevention education and can meet students and employees on campus for support. MCVP is the Confidential Resource Advisor (CRA) as outlined in New Hampshire RSA 188-H:7.
- New Hampshire Coalition Against Domestic & Sexual Violence: 603-224-9993; located in Concord, New Hampshire. The Coalition works to create safe, just, and equitable communities through advocacy, education, and empowerment of anyone affected by domestic and sexual violence, stalking, child abuse, and human trafficking.

#### 9.1.2 Additional National Resources

- [National Sexual Assault Hotline](#) 1-800-656-4673
- [National Domestic Violence Hotline](#) 1-800-799-7233
- [The Network La Red](#) (LGTBQIA+ relationship violence hotline) 1-800-832-1901
- [Safe Horizon Stalking Hotline](#) 1-800-621-4673
- [National Human Trafficking Hotline](#) 1-888-373-7888

### 9.2 Privileged and Confidential Resources for Employees

- [Spring Health](#): The University System of New Hampshire provides Spring Health as a confidential mental wellness benefit. Spring Health can be utilized to access therapy, in-app exercises, work-life resources, alcohol and substance use support, and more. To access Spring Health, visit: <https://benefits.springhealth.com/usnh/> or call 1-855-629-0554 (press 2 for 24/7 crisis support).