



**UNIVERSITY OF NEW HAMPSHIRE FRANKLIN PIERCE**  
**School of Law- Concord, NH**

2021 Annual Security Report & Annual Fire Safety Report

**UNH Franklin Pierce School of Law**  
Security Services  
2 White Street  
Concord, NH 03301

<http://law.unh.edu>

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## RESOURCES AT A GLANCE

### Safety and Security

#### **UNH Police Department**

Emergency.....911  
 Non-Emergency..... (603)862-1427  
 18 Waterworks Rd., Durham, NH 03824  
[www.unh.edu/upd](http://www.unh.edu/upd)

#### **City of Concord Police Department**

Emergency.....911  
 Non-Emergency..... (603) 225-8600  
 35 Green Street, Concord, NH 03301  
[www.concordnh.gov/807/Police](http://www.concordnh.gov/807/Police)

#### **Campus Service Officers- UNH Law School**

Free walking escorts for students, faculty  
 And staff..... (603) 862-1427

#### **Concord Fire Department/Medical**

Emergency.....911  
 Non-Emergency..... (603) 225-8527  
 24 Horseshoe Pond Lane Concord, NH, 03301  
[www.concordnh.gov/480/Fire-Headquarters](http://www.concordnh.gov/480/Fire-Headquarters)

### Campus Offices

**Security Services**..... (603) 862-1427  
 2 White Street, 2<sup>nd</sup> floor Reception Desk  
 Concord NH 03301

**Security Office**..... (603) 513-5277  
 2 White Street, Rm 104, Concord NH 03301  
 Supervisor & Security Officers  
[John.maclennan@unh.edu](mailto:John.maclennan@unh.edu)

**Dean for Students Office**..... (603)513-5171  
 2 White Street, Concord

**Office of Community Standards**..... (603)862-3377  
 5 Quad Way Hitchcock Hall, Durham, NH 03824  
[www.community.standards@unh.edu](mailto:www.community.standards@unh.edu)

**Office of Clery Compliance**..... (603)862-3700  
 18 Waterworks Rd. UNH PD. Durham, NH 03824  
[ajordan@unh.edu](mailto:ajordan@unh.edu), or [kevin.cyr@unh.edu](mailto:kevin.cyr@unh.edu)

**Office of Human Resources**..... (603)862-0501  
 103 Main St. Nesmith Hall, Durham, NH 03824  
[Hr.services@unh.edu](mailto:Hr.services@unh.edu)

#### **Employee Assistance Program (EAP)**

Confidential resource available 24/7.....1-(800)424-1749  
[www.EAPhelpink.com](http://www.EAPhelpink.com)

**Housing**..... (603)513-5171  
 Dean for Student's Office, Concord

#### **Parking Permits/Registrar's Office**

..... (603) 513-5103  
 2 White Street, Concord, NH, 03301  
[Matthew.grady@unh.edu](mailto:Matthew.grady@unh.edu)

**Community, Equity & Diversity** ..... (603)862-1058  
 Thompson Hall Rm G14, Durham NH 03824  
 Email: [affirmation.equity@unh.edu](mailto:affirmation.equity@unh.edu)

#### **Affirmative Action & Equity Office...** (603)862-2930

Coordinator Laura Buchs  
 105 Main St Thompson Hall Rm 305  
 Durham, NH 03824  
 Voice ..... (603)862-2930  
 TTY Users.....7-1-1  
 Email: [Laura.Buchs@unh.edu](mailto:Laura.Buchs@unh.edu)

#### **After Hours health options:**

**Concord Hospital Urgent Care**..... (603)230-1200  
 60 Commercial Street, NH 03301 (5 min from campus)  
 Hours: 8am-8pm

**Concord Hospital**..... (603)225-2711  
 250 Pleasant Street Concord NH 03301 (4. min from campus)  
 Open 24 hours per day

**Concord Hospital ER**..... (603)225-2711  
 250 Pleasant Street, concord NH, (4 min from campus)  
 Open 24 hours per day

#### **Health & Wellness**..... (603)862-9355

4 Pettee Brook Ln. Durham NH 03824  
 Walk-in Hours M-TH 8:00am-4:30 pm  
 Friday 9:00am-4:30 pm, Saturday 10:00am-4:30pm

#### **Sexual Assault, Domestic Violence, Dating Violence and Stalking Resources:**

**SHARPP**..... (603)862-3494  
 2 Pettee Brook Lane Durham, NH 03824  
 Hours 8am-4:30pm M-F  
 24/7 hours crisis line..... (603)862-7233

Confidential on-campus advocacy and support for victims, of sexual assault, domestic violence, dating violence and/or stalking.

**NH Coalition against Domestic Violence**  
**Haven/Concord Office**..... (603)225-7233  
 79 S State St, Concord NH 03301  
 24-HR Domestic Violence Hotline.....1-866-644-3574  
 24-HR Sexual Assault Hotline.....1-866-277-5570

**6th Circuit – District Division - Concord**  
 32 Clinton Street, Concord, NH 03301  
 Hours: Monday-Friday, 8:00am to 4:00pm  
 .....1-855-212-1234  
 Concord District Court on line forms,  
<https://www.courts.state.nh.us/district/forms/index.htm>

**City of Concord Police Department**  
 Emergency.....911  
 Non-Emergency..... (603) 225-8600  
 35 Green Street, Concord, NH 03301

### **Mental Health Resources**

**Afterhours call: (844)743-5748** goes to Concord Hospital.

**Riverbend Community Mental Health** (603)228-1600  
 278 Pleasant St, Concord NH, 03301  
**Emergency Help Line/24 hrs.** 1-844-743-5748

**Concord Hospital**..... (603) 225-2711  
 250 Pleasant Street, Concord, NH 03301  
 Open 24 hours a day for mental health emergencies

**National Suicide Prevention Hotline**...1-800-273-8255  
 Substance Abuse and Mental Health Services  
 Administration. [www.samhsa.gov](http://www.samhsa.gov)

**Veterans Crisis Line**..... 1-800-273-8255  
 Or text 838255 for immediate help US department of  
 Veteran Affairs: [www.veteranscrisisline.net](http://www.veteranscrisisline.net)

### **Substance Abuse Resources**

**Health & Wellness**..... (603)862-9355  
 4 Pettee Brook Ln. Durham, NH 03824  
 Walk-in Hours M-TH 8:00am-4:30pm  
 Friday 9:00am-4:30pm, Saturday 10:00am-4:30pm

**Substance Abuse and Mental Health Services**  
**Administration (SAMHSA)**.....1-800-662-4357  
[www.samhsa.gov](http://www.samhsa.gov)

### **Legal Resources**

**Legal Advice and Referral Center**.... 1-800-639-5290  
**NH Legal Assistance**..... 1-800-562-3174  
**Lawline**.....1-800-868-1212

**Military and Veteran Services**.....1-603-862-0643  
[unh.veterans@unh.edu](mailto:unh.veterans@unh.edu)

### **Visa and Immigration Resources**

**Visa and Immigration Assistance**..... (603)225-3350  
 UNH Law School Clinic

**Office of International Students & Scholars**  
 10 Library Way, Conant Hall Rm 315 Durham  
 ..... (603)862-1288  
 Email: [ois@unh.edu](mailto:ois@unh.edu)

### **Financial Aid Resources**

**Associate Director of Financial Aid**  
 Jennifer Pereira.....(603)513-5105  
 2 White St Rm 187 Concord, NH  
 Hours: Monday- Friday, 8:30am-4:30pm  
[financialaid@law.unh.edu](mailto:financialaid@law.unh.edu)



## Chief's Welcome

Dear UNH Community,

Thank you for taking the time to read the 2021 Annual Security Report and Annual Fire Safety Report (AFSR). The AFSR, provided to you in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, is full of useful information about safety and security at the University of New Hampshire, Franklin Pierce School of Law Concord. Within this guide you will find crime statistics for the previous three calendar years, statistics for on-campus residential housing fires for the previous three calendar years, campus safety and disciplinary policies, alcohol and drug policies, and policies that specifically address prevention of and response to sexual assault, domestic violence, dating violence, and stalking.

While UNH Franklin Pierce School of Law, located in Concord, is generally a safe place to study and work, it is not without the challenges that other institutions of similar size and scope face. There are many resources available to help you make informed decisions about your safety and security at UNH Franklin Pierce School of Law. The UNH Police Department is active on Instagram, Facebook, and Twitter. UNH communicates to staff, students, faculty and guests through press releases regarding incidents happening in or around campus. We also provide multiple community events such as Citizen Police Academy, RAD (women's self-defense training) and coffee with a cop.

By making yourself familiar with UNH Franklin Pierce Law School safety and security policies you are taking a significant step in protecting yourself and your community. This AFSR contains a great deal of resources for students and employees who are in crisis, and we encourage you to reach out should you or someone else need our assistance.

Sincerely,

A handwritten signature in black ink that reads "Paul H. Dean".

Paul H. Dean

Chief of Police/ Associate VP for Public Safety and Risk Management  
University of New Hampshire Police Department



## **Compilation of the 2020 Annual Security Report and Annual Fire Safety Report for the University of New Hampshire Franklin Pierce School of Law**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires the distribution of an Annual Security Report and Annual Fire Safety Report to all current faculty, staff, and students and notice of its availability to prospective students, faculty, and staff. This document, referred to as the “Annual Security Report and Annual Fire Safety Report” or “AFSR” is one of many mechanisms designed to inform current and potential UNH community members of crime, arrest and referral statistics, of current crime response, reporting, prevention and awareness policies, including policies regarding sexual assault, domestic violence, dating violence, and/or stalking, of campus disciplinary policies and relevant state laws, and of campus safety and security. This “AFSR” includes crime, arrest and referral statistics for the previous three calendar years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by the University of New Hampshire, and on public property within, or immediately adjacent to and accessible from, the campus. The fire report at the end of the document contains current University of New Hampshire Housing fire safety protocols and fire statistics for the previous three calendar years.

This report is prepared by the University of New Hampshire Police Department (UNH PD). To gather information for this report, UNH PD collaborated with Concord Police Department, Human Resources, Department of Student Life, Affirmative Action & Equity Office, Dean of Student’s Office, Community Standards, Health & Wellness, the Sexual Harassment and Rape Prevention Program (SHARPP) and other departments on campus.

Statistics are gathered through reports to the University of New Hampshire Police Department (UNH PD), Dean of Student’s Office, Title IX Coordinator, the Office of Human Resources, Health & Wellness, Sexual Assault and Rape Prevention Program (SHARPP) and reports submitted by Campus Security Authorities. UNH PD also requested crime statistics from outside law enforcement agencies that may have jurisdiction over UNH non-campus property. UNH PD and the Dean of Student’s Office collaborated in compiling the crime, arrest and referral statistics to ensure statistics are not missed or double counted. A copy of this report is disseminated to students, faculty, and staff in an e-mail sent in late September of each fall semester. Crimes are classified using the FBI Uniform Crime Reporting Handbook, the National Incident Based Reporting System Handbook and the Handbook for Campus Safety and Security Reporting (2016). New Hampshire law is used to define drug, liquor and weapons law violations, as well as incidents of domestic and dating violence.

## Campus Crime Statistics Charts

The following is the statistical charts for calendar years 2018, 2019, and 2020. Charts for UNH Franklin Pierce School of Law. Differences in the statistics themselves reflect the number of crimes reported, not necessarily a difference in the rate of crime itself. The data does not reflect prosecution, convictions or the outcome of disciplinary actions.

Crime statistics published in this document reflect crimes that are reported to have occurred in one of the four federally defined locations. Crimes that are reported to have occurred outside of the following locations are not included in this report. The four federally defined locations are:

**On-campus property** is defined as any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonable contiguous to campus that is owned by the institution but controlled by another person, frequently used by students, and supports institutional purposes (such as book store or food vendor).

**On-campus student housing** is defined as any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonable contiguous geographic area that makes up the campus. The Law School currently owns and/or controls four (4) residential housing buildings, located at:

10 Blanchard Street, Concord  
 12 White Street, Concord  
 14 White Street, Concord  
 25 Essex Street, Concord

**Public Property** is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within campus, or immediately adjacent to and accessible from campus.

**Non-campus property** is defined as any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property that is owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonable contiguous geographic area of the institution. This category includes property that is outside of Concord, outside of New Hampshire, and outside of the United States.

## Clery Definitions of crimes and categories

**Murder and Non-negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded from this category.

**Manslaughter by negligence** is defined as the killing of another person through gross negligence.

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

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

**Burglary** is defined as the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned. An incident must meet three conditions to be a burglary: a) there is evidence of unlawful entry (trespass), b) the unlawful entry must occur within a structure that has 4 walls, a roof and a door, c) the structure was unlawfully entered to commit a felony or theft.

**Motor Vehicle Theft** is defined as the theft or attempted theft of a motor vehicle. All cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned, including joy riding count as a motor vehicle theft.

**Arson** is defined as any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, aircraft, or personal property of another.

**Weapon law violation** the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Manufacture, sale, or possession of deadly weapons, carrying deadly weapons, concealed or openly, using, manufacturing, etc. silencers, furnishing deadly weapons to minors, aliens possessing deadly weapons. This type of violation also applies to weapons used in a deadly manner. For example, the person is in violation of state and local laws.



**Drug Abuse Violations** the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Drug abuse violations include arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

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

**Sexual Assault** is defined as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident- Based Reporting System user manual from the FBI UCR program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances, where the victim is incapable of giving consent."

**Rape** is defined as the penetration, no matter how slight, of the vagina, or anus, with any body part or object, or oral penetration by sex organ of another person without the consent of the victim. This definition includes any gender of victim or perpetrator.

**Fondling** is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental incapacity.

**Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent. Age of consent in NH: under the age of 16.

Relationships which constitute incest: (ancestor, descendant, brother or sister, of the whole or half blood, or an uncle, aunt, nephew or niece). The relationship referred to herein include blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption NH RSA 639-A:2.

**Domestic Violence** is defined as felony or misdemeanor crimes of violence committed by a current or former spouse of the victim or intimate partner, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or,

any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: length of relationship, type of relationship, frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- A. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- B. Dating violence does not include acts covered under the definition of domestic violence.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. For the purposes of this definition:

- A. Course of conduct means two or more acts, including, but not limited to acts which the stalker directly, indirectly, or through third parties, by any action method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Hate Crimes** a hate crime is a criminal offense committed that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, gender identity, ethnicity, or national origin. Hate crimes include any offense that is motivated by bias: murder/non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny-theft, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of this compliance document.

A bias-related (hate) crime is not a separate, distinct crime in New Hampshire, but it is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime and if the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc. the assault is then classified as a hate crime.

**Larceny-theft** is defined as the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Destruction/damage/vandalism or property** is defined as to willfully destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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

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

A hard copy of this report can also be obtained by contacting UNH Franklin Pierce Law Security Department at the Reception Desk on the First Floor of 2 White St. Building, UNH-Concord 603-988-2708 or 603-513-5277. The official URL to access this report on line is: <http://law.unh.edu/>

#### 2020 University of New Hampshire-Concord Law School Campus Crime Statistics

Notes on 2020 Statistics:

- Possession of  $\frac{3}{4}$  of an ounce or less of marijuana is a civil violation in the state of New Hampshire, not a criminal offense and therefore tickets issued for possession of marijuana are not classified as “arrests,” as per Clery Act Regulations.
- In accordance with *The Handbook for Campus Safety and Security Reporting (2016)* and the comments to the final regulations for Violence Against Women Act (VAWA) (34 CFR Part 668, 2014), crimes committed between roommates or former roommates are not counted in “Domestic Violence,” the relationship between the perpetrator and the victim must be more than two people cohabitating together. The people cohabitating together must be current or former spouses or have an intimate relationship.” (Handbook, 2016)
- The State of New Hampshire does not recognize dating violence it all falls under the category of Domestic Violence therefore there will not be any dating violence statistics.

	On campus Property	On Campus Student Housing	Public Property	Non-Campus Property
<b>Arrests</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapon Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	0	0	0	0

Drug Law Violation	0	0	0	0
Weapon Law Violation	0	0	0	0
<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0
<b>Hate Crimes</b>				

In 2020, there were no hate crimes reported that qualified for inclusion in this report.

#### Unfounded Crimes

There were no unfounded crimes in 2020.

#### 2019 University of New Hampshire-Concord Law School Campus Crime Statistics

Notes on 2019 Statistics

- Possession of  $\frac{3}{4}$  of an ounce or less of marijuana is a civil violation in the state of New Hampshire, not a criminal offense and therefore tickets issued for possession of marijuana are not classified as “arrests,” as per Clery Act Regulations.
- In accordance with *The Handbook for Campus Safety and Security Reporting (2016)* and the comments to the final regulations for Violence Against Women Act (VAWA) (34 CFR Part 668, 2014), crimes committed between roommates or former roommates are not counted in “Domestic Violence,” the relationship between the perpetrator and the victim must be more than two people cohabitating together. The people cohabitating together must be current or former spouses or have an intimate relationship.” (Handbook, 2016)
- The State of New Hampshire does not recognize dating violence it all falls under the category of Domestic Violence therefore there will not be any dating violence statistics.

	On Campus Property	On Campus Student Housing	Public Property	Non-Campus Property
<b>Arrests</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapon Law Violation	0	0	0	0
<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0

<b>VAWA Offenses</b>				
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0
<b>Hate Crimes</b>				

In 2019, there were no hate crimes reported that qualified for inclusion in this report.

#### Unfounded Crimes

In 2019 there were no unfounded crimes at the Concord Law School.

#### 2018 University of New Hampshire- Concord Law School Campus Crime Statistics

Notes on 2018 Statistics:

- Possession of  $\frac{3}{4}$  of an ounce or less of marijuana is a civil violation in the state of New Hampshire, not a criminal offense and therefore tickets issued for possession of marijuana are not classified as “arrests,” as per Clery Act Regulations.
- In accordance with *The Handbook for Campus Safety and Security Reporting (2016)* and the comments to the final regulations for Violence Against Women Act (VAWA) (34 CFR Part 668, 2014), crimes committed between roommates or former roommates are not



counted in “Domestic Violence,” the relationship between the perpetrator and the victim must be more than two people cohabitating together. The people cohabitating together must be current or former spouses or have an intimate relationship.” (Handbook, 2016)

	On campus Property	On Campus Student Property	Public Property	Non-Campus Property
<b>Arrests</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violations	0	0	0	0
Weapon Law Violation	0	0	0	0
<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0
<b>Hate Crimes</b>				

In 2018, there were no recorded hate crimes reported that qualified for inclusion in this report at UNH’s Law School.

#### Unfounded Crimes

In 2018 here were no unfounded crimes at UNH’s Law School.



## Campus Safety

In the Campus Safety chapter, you will find information on policies for safety and security on campus, general crime reporting, access to campus facilities, missing students, communications about emergencies and information about the various units and teams that help keep the UNH Franklin Pierce Law School safe.

### SAFETY AND SECURITY ON CAMPUS: LAW ENFORCEMENT AND CRIME REPORTING

#### UNH Franklin Pierce Law Security Services:

The UNH Franklin Pierce Law School has a campus security division that is responsible for providing continuous year-round security to the UNH Law School community. Campus security officers patrol the campus and parking lots on a regular basis. Campus security officers also receive in-service training.

Campus security officers are **NOT** sworn law enforcement personnel and do **NOT** have the power of arrest, except for the Security Services supervisor (**John MacLennan**) who is a sworn UNH Police Department law enforcement officer. They also work very closely with the Concord NH Police Department and Concord Fire Department.

Security officers are on duty, during the hours of operation consistent with the Law Library, to assist members of the University community. The primary responsibility of Security Services is ensuring the security of campus facilities. Security provides patrols of the campus buildings and parking lots and provides key services to authorized personnel. They administer the non-

academic materials lost and found, deal with parking issues, provides safety escorts, and maintain the Campus Crime and Fire Safety Logs. (These logs can be obtained at the front desk of the law school).

UNHPD and UNH Law Security maintain a strong working relationship with the Concord Police Department and other surrounding state and local law enforcement agencies. Staff participate in local and statewide meetings to share information and resources, as deemed necessary. UNHPD has a memorandum of understanding with the City of Concord. Concord Police provides all police services to the UNH Law School.

UNH Law School encourages accurate and prompt reporting of all crimes to the UNH Police Department at 603-862-1212, or the local police department, Concord Police at 911 for emergencies or 603-225-8600 for non-emergency services.

The University of New Hampshire Communications Center, is staffed by Professional Emergency Dispatchers who operates on a twenty-four hour basis. The center receives calls for both emergency and routine services. Communication specialists instantly dispatch the appropriate response and can communicate with local, county, state and federal agencies when required.

### **Crime and Emergency Reporting**

Crimes and emergencies that occur on the law campus should be reported to the **Security Office Emergency dispatch center** by dialing 603-862-1212 or **911 in the event of an emergency**. For non-emergency security concerns you may reach the supervisor of security services by dialing 603-513—5277. You can also report in person at the Security Office at 2 White St. Concord NH. For the purpose of making a timely crime alert evaluation and for potential inclusion of a crime statistic in the Annual Security and Fire Safety Report, criminal offenses should be reported to UNHPD immediately at 603-862-1212. Crimes can also be reported to any CSA including the **Affirmative Action & Equity Office (AAEO) , Human Resources Office or Dean of Students**.

Crimes that occur off campus can be reported to the **Concord Police Department** via the non-emergency number **(603) 225-8600** or by calling **911** from an off-campus location within Concord, or by going to the police department located at 35 Green Street, Concord, NH 03301. UNH encourages all campus community members to accurately and promptly report all crimes to law enforcement.

Crimes/violation of the student code of conduct should be reported to the **Office of Community Standards** by calling (603) 862-3377, by going in person to Hitchcock Hall, 5 Quad Way, Durham, NH 03824 or by filling out a form on line at: <https://www.unh.edu/ocs/complaint>. If the complaint involves harassment, sexual harassment, domestic violence or discrimination reports should be made to the **AAEO Office** by calling (603) 862-2930 or by going in person to

Thompson Hall, 105 Main St. Durham, NH 03824. An online report can be made at: <http://reportit.unh.edu/>. Community Standards and AAEO offices will assist the victim in notifying the local law enforcement agency of sexual assault, domestic violence, and/or stalking.

Crimes/violations of employment policies should be reported to University of New Hampshire's **Human Resources Department**. An anonymous reports can be files by calling 1-800-592-8455 or by filling a complaint on line at: <https://secure.ethicspoint.com/domain/media/en/gui/48734/index.html>. If requested human resources will provide assistance in notifying law enforcement of sexual assault, domestic violence, and/or stalking.

Victims of sexual assault, domestic violence, dating violence and/or stalking who do not wish to report the crime to law enforcement officials, Office of Community Standards, Director & Title IX Coordinator, or Human Resources are still encouraged to get help and support. Please see the Sexual assault, domestic violence, dating violence, and/or stalking chapter in this report for more information.

Child abuse should be reported to the UNHPD or NH Child Protective Services. For information regarding employees' obligations to report child abuse, please visit: <https://www.usnh.edu/unh/iii-administrative-policies/f-protection-minors> for more information on reporting requirements.

**All Emergency calls should be made to 911** from any campus or off campus telephone. These calls will be directed either to the Concord Police or Fire Department depending on the nature of the emergency. The Concord Police or Fire Department will respond along with the UNH campus security to address the problem.

Regular business calls of a non-emergency nature can be made to the Concord Police Department at 603-225-8600, the UNH- Law Security Office at 603-513-5277 or UNH Police Dispatch Center 603-862-1212.

If you call the Concord Police, UNH Law Security Office or the UNH Police Dispatch Center, please provide the following information:

- Your name
- Location and description of the incident you are reporting
- A description of any vehicles or suspects involved in the incident
- A call back number where you can be reached.

## Response to a Reported Crime

UNHPD dispatchers are available 24 hours a day. In response to a call regarding a reported crime, security officers will respond along with Concord Police Officers. The police will take the required action to investigate the crime, search for suspects, collect available evidence, file a report, and work with their prosecutors. In response to an emergency UNH Security Services

will respond with Concord Police or Fire Department to evaluate and summons the appropriate resources to respond to the incident. When applicable the Dean of Students will be notified if disciplinary action is needed and/or AAEO Office will be informed of all Title IX cases. If assistance is needed from other local, state, or federal law enforcement agencies Concord Police will be responsible for notifying them.

Response to crimes reported to the Dean of Students Office or Human Resources Department may include initiation of a disciplinary action or notice to law enforcement if the crime involves a minor.

Under NH State Law, University officials must report crimes including hazing, child and elder abuse, and treatment given for gunshot wounds. In addition, there is a legal duty on the part of employees at UNH to report suspected cases of sexual harassment of students by employees of UNH to supervisors and/or other appropriate individuals or offices. UNH Officials will also help the victims to report, if asked to do so.

### **Voluntary Confidential Reporting**

University of New Hampshire does not provide voluntary, confidential crime reporting for the purpose of including crime statistic disclosures in the AFSR. As a matter of policy UNH Franklin Pierce Law School directs people to report Clery Crimes to Campus Security for the purpose of including a statistic in AFSR; though people may report crimes to any Campus Security Authority. However, the University of New Hampshire Law School may be obligated to contact Concord Police Department to investigate when there is a report of sexual assault, domestic violence, dating violence and/or stalking. Sexual Harassment and Rape Prevention Program (SHARPP) provides confidential reporting that allows the victim or witness to remain anonymous. SHARPP provides free, confidential, and accessible assistance in reporting sexual assault, sexual harassment and intimate partner violence. SHARPP can be reached 24-hours a day through their toll-free crisis line at (603) 862-3494 or (603) 862-SAFE. Victims or Witnesses can call (603) 862-3686 to report any suspected hazing confidentially or anonymously.

Concord Police Department reports are public records under state law, therefore, they cannot hold reports of crime in confidence, so UNH does not allow voluntary confidential reporting to the UNHPD or Concord Police Department.

The purpose of an anonymous report is to possibly take steps to promote safety. In addition, UNH can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

Persons wishing to contact the Campus Security or UNHPD anonymously may call (603) 862-1427, or they can file a complaint over the Wildcat (RAVE) Guardian APP.

Finally, persons may use “Reportit!” as a place to report and learn about incidents of bias discrimination, and/or harassment. A report can be made anonymously, or the reporter can



request that contact be made. “Reportit!” is located at <http://reportit.unh.edu/index.html>. This is linked on the homepage for the Affirmative Action and Equity Office. That URL is [www.unh.edu/affirmativeaction/index.html](http://www.unh.edu/affirmativeaction/index.html). “Reportit!” is not monitored 24-hours a day.

### **Professional and Pastoral Counselors**

Campus “professional counselors,” when acting as such, are not considered to be Campus Security Authorities and are not required to report crimes for inclusion in the AFSR or for a crime warning evaluation. Any Clergy crime can be confidentially discussed with these employees. Psychological and Counseling Services (PACS) provides aggregate data for the Clergy AFSR at the end of the year. While the University recognizes various area clergy as Chaplains there are no specific policies in place regarding reporting of crimes. UNH School of Law Chaplains follow policies adopted by their respective denominations, as well as relevant laws.

Health & Wellness also follows applicable professional guidelines and statutes. Please consult with a staff member or visit their website for more information.

Please see the chapter in this AFSR entitled “Sexual Assault, Domestic Violence, Dating Violence, and Stalking” for more information regarding official reporting and confidential resources for sexual assault, domestic violence, dating violence and/or stalking.

### **Off-Campus Safety and Security**

The Concord Police Department (CPD) has primary jurisdiction in all areas off campus in the City of Concord. Other county, state and federal agencies also provide law enforcement services in the Concord area.

If criminal activity takes place at a non-campus location that is rented or owned by the University, or in a student organization housing off campus, community members should contact the local police department with jurisdiction. In Concord contact the Concord Police Department in person at 35 Green St. Concord, NH or by phone at 603-225-8600.

### **Clergy Crime and Fire Log**

UNH Law Security Services maintains a Clergy Crime and Fire log of crimes and on-campus residential housing fires which occur within UNH Franklin Pierce Law School’s primary jurisdiction and about which the UNH Clergy staff receive notification. The information presented in the log includes the call number, which is an event reporting number by which UNH Law Security Services may identify an incident. The absence of a call number means that the crime was not reported to the UNH Law Security Services, and UNH Law Security Services may consequently not be investigating this crime.

The log also includes the date and time which a crime or fire was reported to UNH Law Security Services or the University, and the date and time at which a crime or fire occurred, or an estimate thereof. The location column identifies the street address or building at which the crime or fire occurred. The building or Street address may not be specifically identified when this could compromise the privacy of the victim of a sexual or intimate partner violence. The offense

column defines the nature of the crime or fire. The disposition reveals the current state of UNH Law Security Services criminal investigation into the offense, if one is taking place.

Log entries are entered and updated in the log within two business days of UNH Law Security Services receiving the information and within one business day for update of a disposition. In order to protect an ongoing criminal investigation or the identity of a victim, the chief of police or designee may classify information as confidential and prohibit its release. **Log entries for the law school are available at the Security Office, 2 White Street on the 2nd floor.**

## SAFETY AND SECURITY ON CAMPUS

### SAFETY ON CAMPUS

#### Emergency Response and Evacuation

The Emergency Management Division of UNHPD, was established in 2012 in order to manage all areas of emergency preparedness on the UNH Campuses. The Unit coordinates with various university and community entities to ensure that UNH students, faculty, staff, and visitors are prepared to respond to emergencies, recover from them, and mitigate against their impact. The Emergency Management Division also works closely with several campus partners to develop and implement UNH's crisis communication plan.

Crisis and disaster events requires campuses to not only prepare for such events, but also require an understanding of response capabilities and limitations. It is impossible to predict exactly when a crisis or disaster will occur, or the extent to which it might affect the campus. Through deliberate planning, preparing, and training UNH can greatly minimize losses from these events.

UNH maintains an Emergency Response Plan that outlines responsibilities of campus departments during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of each unit and/or position.

The Emergency Management Division works with each department to create and update emergency response and continuity of operations plans. The Emergency Management Division provides resources and guidance for the development of these plans.

When an emergency occurs, the Emergency Operations Plan (EOP) is activated. The EOP delineates the response procedures for emergencies and disasters that could impact the campus. When the EOP is utilized, two response organizations are established: The Emergency Operations Center (EOC) and the Senior Management Group (SMG). The EOC is staffed by pre-identified campus personnel identified as members of the University Emergency Group (UEG). They are trained to coordinate the campus' response and recovery efforts. Members of the UEG are vetted UNH personnel in the middle to upper management positions from the major functional areas of the University, including, but not limited to Facilities Operations and

Maintenance, Telecommunications, Energy and Campus Development, Concord Fire Department, Media Relations, Health and Wellness, UNHPD, Hospitality Services, Transportation, Environmental Health and Safety, the President's office, Mayor's Office, and representatives from the UNH Manchester and UNH Law School. The EOC facilitates sheltering of evacuees, debris removal, restoration of services, and supports on-scene personnel. The primary EOC location is in the UNHPD conference room. Senior Leadership (SMG) consists of the President, Provost, Vice President of finance and administration, Chief of staff, Chief of Police, Dean of Students, Associate Provost for Academic Affairs and administrative staff from the president's office. Their primary responsibilities include setting policy and providing supports to the EOC and on-scene personnel.

The Emergency Management Division in cooperation with the Department of Environmental Health and Safety provide training and information on five mission area of emergency management: prevention, protection, mitigation, response and recovery. There is at least one Emergency Response tabletop drill conducted each year.

Annual emergency response and evacuation tests are planned in conjunction with other emergency agencies. The University conducts emergency response drills, and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests are often announced and publicized via campus mail, and various newsletters in conjunction with the tests themselves.

The Emergency Management Division has primary responsibility for the development and facilitation of emergency exercise at UNH. An After Action Report- Improvement plan is written following each exercise that lists the scenario, participants, date, time, location, whether the test was announced or unannounced, areas of strengths, areas of improvement, and corrective actions. The campus is committed to evaluating response capabilities through the exercise and After Action Report process, with the goal of correcting areas of improvement identified during the exercise.

## **Emergency Evacuation**

The emergency evacuation procedures are tested at least once a year. Students and employees learn the locations of the emergency exits in the building and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The UNHPD does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, security staff on scene will communicate information to students and staff regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At UNH Law School evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill,

occupants “practice” drill procedures and familiarize themselves with the location of exits and sound of the fire alarm.

### **General Evacuation Procedures**

At the sound of a fire alarm or if you are instructed to evacuate, leave your work/living area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify Concord Police and Concord Fire by dialing 911.

1. Remain Calm
2. Do NOT use Elevators. Use the stairs.
3. Assist the physically impaired. If he/she unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform Concord Police or the responding Fire Department of the individual’s location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building! Wait for instructions, Concord Police or Fire Departments will announce when it is safe to re-enter the building.

### **Shelter-in-Place Procedures- What it means to “Shelter-in-Place”**

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

### **Basic “Shelter-in-place” guidance**

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

### **How will you know to “Shelter-in-Place?”**

A shelter-in-place notification may come from several sources, UNHPD via RAVE, Housing Staff Members, other University Employees, Local Police, or other authorities utilizing the University’s emergency communications tools.

### **How to “Shelter-in-Place”**

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

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors,

- proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside, It should be:
    - a. An interior room
    - b. Above ground level; and
    - c. Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
  3. Shut and lock all windows (tighter seal) and close exterior doors.
  4. Turn off air conditioners, heaters, and fans.
  5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible).
  6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to Concord PD so they know where you are sheltering. If only students are present, one of the students should call in the list.
  7. Turn on a radio or TV and listen for further instructions.
  8. Check the UNHPD website for updates and further instructions.
  9. Make yourself comfortable.
  10. Do not leave unless specifically instructed to evacuate by emergency personnel.

### **Blue Light Emergency Phones**

UNH School of Law does not have any blue light emergency phones on their campus.

### **Safety Escorts**

Campus Security Officers will provide an escort to parking lots as requested. Students or employees may request a walking escort by calling 603-862-1212.

### **Mental Health**

UNH Law has partnered with Riverbend Community Mental Health to provide an on-site counselor for students once a week. The counselor's hours and availability are announced each week via email. If a student would like to meet with a counselor off-campus, they can call the Riverbend Admissions line at 603-228-1600 and share that they are a law student who would like to meet with a counselor.

If a student is in a period of mental health crisis, they are encouraged to call **Riverbend's 24/7 Mobile Crisis Service at 1-844-743-5748**. A trained professional will help the student (or a support person) to find immediate help or resources.

Student health and wellness is a top priority as we know that law school can be a stressful endeavor. If you find that you are in need of additional assistance to help balance the many priorities that students have, please contact Lauren Berger, Assistant Dean of Students, at [lauren.berger@law.unh.edu](mailto:lauren.berger@law.unh.edu)

### **Behavioral Intervention Team (BIT):**

The Assistant Dean may consult and collaborate with other Law School employees as appropriate and on a need-to-know basis and shall have the authority to contact law enforcement officials and behavioral health consultants as necessary. The Assistant Dean is authorized to



designate a Behavior Intervention Team (BIT) to assist in addressing the issue. The Team may use a variety of tool to mitigate a safety or other risk. The Assistant Dean shall consult with appropriate law school administrators to;

- a) Coordinate a response to the situation,
- b) Determine what to communicate to others affected by the situation, and
- c) Determine if and how the community will be notified of action steps being taken.

Information dissemination will be based on a need-to-know determination by the BIT Team that balances privacy and safety interests.

**Notification to Faculty, Administration, and Others.** If the safety threat is not immediate, the Assistant Dean, in consultation with the BIT Team, shall decide whether and how to notify appropriate personnel regarding an individual's threatening behaviors. The team shall comply with FERPA but in doing so, shall consider the extent to which the conduct falls within FERPA or not, and the extent to which FERPA permits communications to prevent harm to others.

**On-going Monitoring.** The Assistant Dean of Students will review on-going cases and the general Law School environment to determine if certain individuals need follow up contact and to determine if Law School events, policies, or activities should change to minimize the threat of harm to others.

## **International Safety and Security**

Please visit UNH's International Health and Safety website for information about resources, policies and support for international travel by UNH students, faculty, and staff coordinated by All Things International at UNH. You can access this information on this site: <https://www.unh.edu/global/about>. Travelers with specific questions should contact the Office of International Student and Scholars at Conant Hall Room 315, 10 Library Way, Durham NH. Or they can call them at (603) 862-1288

## **SECURITY ON CAMPUS**

### **ACCESS TO AND SECURITY OF UNIVERSITY BUILDINGS**

#### **Academic & Administrative Building Security**

Academic and administrative offices are secured at the end of their operating hours. All buildings are secured each night and are open only during normal operating hours Monday – Friday 8:00 a.m.-6:00 p.m. to members of the community and visitors. The library is open to accommodate the library hours.

After-hour entry for students is by use of Student ID during Library Hours, only faculty and staff have access 24/7. Building hours during semester breaks, University holidays, and summer may be reduced or modified from the normal operating hours.

## **Residence Halls**

Residential buildings/apartments are secured 24/7, only students living in each residential building or apartment building will have access to that building.

Unscheduled patrols of the campus are conducted by Security Services during operating hours. Any suspicious activity, suspicious person, or crimes in progress should be reported immediately to UNH Police Dispatch at 603-862-1212.

Opening a clearly marked external emergency exit or security door; or deliberately propping open a door that is intended to be locked, is strictly prohibited. Students are also prohibited from obstructing or blocking-open any interior fire door.

Buildings are equipped with fire detection systems and alarms which are directly connected to the City of Concord Fire dispatch center. Certain buildings and areas are alarmed with panic buttons for the protection of personnel. Immediate response to the alarm location is made by the Concord Police.

Students and employees may also request a walking escort from the UNH Law Security Officers by calling (603)-862-1212. These can be requested at any time. Generally they will be performed by UNH Law Security Officers, during hours of operations for the law school.

## **Security and Maintenance of Campus Facilities**

Security is provided in the maintenance of the UNH facilities through a number of mechanisms, including limitations on hours of operation, policies on keys, restricting access to those bearing proper identification as university staff or students. Specific security mechanisms may vary with the type of university facility. Each building has a manager that will report problems.

UNH maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. UNH Security Services works closely with facilities management to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to UNH Law Security Services at (603)513-5277 or to facilities management at (603) 513-5186. Facilities personnel are present during normal operating hours and/or on call to address the physical needs of the building should any situation or emergency arise.

## **MISSING STUDENT NOTIFICATION- STUDENTS LIVING IN RESIDENCE HALLS**

**Missing Student Notification Policy and Procedures 20 USC 1092 (j)** (Section 488 of the [Higher Education Opportunity Act of 2008](#))

Any institution participating in a Title IV federal student financial aid program that maintains on campus housing facilities must establish a missing student notification policy and related procedures for those students who live in on campus housing and who have been missing for 24 hours.

For purposes of this policy, a student shall be considered missing if a roommate, classmate, faculty member, family member or other campus person has not seen the student in a reasonable amount of time, reports the pertinent facts to the UNH Law Security Office and if after investigation the UNH Franklin Pierce Law Security Supervisor determines that the student has been missing for 24 hours. A reasonable amount of time may vary with the time of day and information available regarding the missing person's daily schedule, habits, punctuality, and reliability. Individuals may be considered missing immediately, if their absence has occurred under circumstances that are suspicious or cause concerns for their safety. If the initial report that a person is missing is made to a UNH department other than the University of New Hampshire Franklin Pierce Law Security Division, the UNH-Law employee receiving the report shall contact the UNH Franklin Pierce Law Security division immediately.

### **Procedures for designation of missing person contact information**

1. Students living on campus shall be given notice of this policy and an annual opportunity during the first seven days after move-in each semester to designate an individual or individuals to be contacted by the university in the event they are determined to be missing for 24 hours. Missing person contact information shall be registered confidentially, shall be accessible only to authorized campus officials, and may only be disclosed to law enforcement personnel in furtherance of a missing person investigation. The missing person contact shall remain in effect until changed or revoked by the student.
2. In the event a student is reported missing, the UNHPD/Security services or their designee shall attempt to contact their missing person contact no more than 24 hours after the time the student was determined to be missing for 24 hours.
3. For students under the age of 18, who are not emancipated and living on campus the following will occur: If a student under 18 is determined to be missing the university shall (is required to) notify a custodial parent(s) or guardian no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below. The missing person contact shall be notified as well.
4. For all missing students, UNH will notify the local law enforcement agency within 24 hours of determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student was missing.

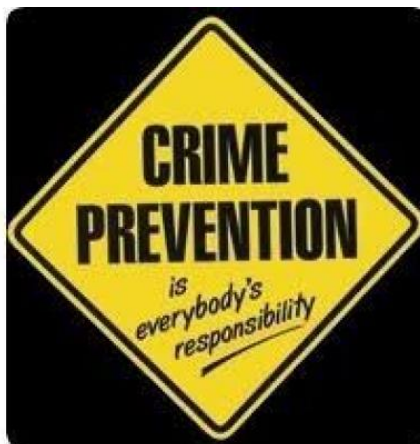
### **Official Notification procedure for missing person**

1. Any faculty, staff or student who has information that a residential student may be a missing person must notify the University of New Hampshire Law Security Division, or their designee, as soon as possible and no later than 24 hours after they determine a student may be missing.
2. The security division shall gather information about the student from the reporting person and from the student's acquaintances (i.e. Clothing, physical description, where student may be, vehicle description if applicable, mental health status, physical well-being, update to date photo, and class schedules, etc.). Appropriate campus faculty and/or staff shall be notified to aid in the search for the student.

3. No later than 24 hours after determining that a residential student has been missing for 24 hours, the University of New Hampshire Law Security Division or their designee shall notify the missing person contact. For students that are under 18 and not emancipated a parent(s) or guardian will also be notified that the student is believed to be missing.
4. In all cases when the student is declared missing by the security division after an initial investigation and in consultation with UNHPD and other law enforcement agencies as appropriate, UNHPD will coordinate with the UNH office of media relations to provide information to the media that is designed to obtain public assistance in the search for any missing student. The coordination will insure that investigations are not impeded by the release of information. The Concord Police will partner with local media sources to publish information regarding the missing student from UNH Law School in Concord.
5. Regardless of whether the student has identified a contact person, is above the age of 18, or, is an emancipated minor, UNHPD will inform the local law enforcement agency with jurisdiction that a student has been missing within 24 hours.

### GENERAL CRIME PREVENTION TIPS

- Call the Concord Police at (603)225-8600 **IMMEDIATELY** if you see or hear something suspicious. Don't hesitate to dial 911 in an emergency. Be sure to tell them exactly where you are.
- **If you SEE something, SAY something!**
- Keep your possessions in sight at all times. Don't leave computers, cell phones, or electronics unattended.
- If you leave your office or room, even for a few minutes, lock the door.
- Be alert to potential danger. Trust your instincts.
- Walk with friends whenever possible.
- If jogging, walking or biking alone, stay in well-lit and well-traveled areas.
- Shred documents you discard that contain personal information
- See the section of this document titled "Sexual Assault, Domestic Violence, Dating Violence and Stalking" for protective behaviors regarding those offenses.
- Do not prop open the outside doors to academic and residential buildings
- Always know who is at your door before opening it.



## COMMUNICATION ABOUT CAMPUS CRIMES AND SAFETY

Through a variety of methods, the University of New Hampshire provides information to students and employees about campus security procedures and practices and encourages them to be responsible for their own security and the security of others. One method is keeping students and employees informed about crime prevention strategies and by communicating with the campus community about reported crimes or emergencies that pose serious or continuing threats to students and employees. This section highlights some of the ways in which the University of New Hampshire Franklin Pierce Law School offices communicate information about crime and safety on campus.

### EMERGENCY NOTIFICATION PROCEDURES

#### **Rave Alerts**

This section describes the procedures University of New Hampshire Law School uses to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.



#### **ALERTS**

Upon confirmation of an emergency or dangerous situation, Security Services will notify UNHPD who will, without delay, and taking into account the safety of the community, will determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of first responders (including, but not limited to: UNHPD, Local PD, and/or Local Fire and EMS), compromise efforts to assist a victim, or to contain, respond to or otherwise mitigate the emergency. The notification system at University of New Hampshire Law School is known as Rave Alerts.

The Chief of Police, or designee, in conjunction with other University administrators, local first responders and/or the National Weather Service typically confirms significant emergencies or dangerous situations involving immediate threat to the health or safety of students or employees on campus.

UNHPD and Media Relations may collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the UNH Law School Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.



All UNHPD sergeants, captains, chief, and dispatchers are authorized to initiate and use the Rave Alert notification system. During situations in which there is a time-critical threat to campus, a Rave Alert message and messages sent via the other systems listed below are sent immediately on authority of the Chief of Police or designee. The UNH Chief or designee is responsible for drafting the content, which is developed based on the type of emergency, determining the appropriate segment of the community to receive the message based on the affected community, and sending the message to the community using any or all systems listed below. If time permits UNH Media relations may review media distributions prior to UNHPD sending them.

Situations for sending a Rave Alert include, but are not limited to: active harmer, significant and serious hazardous materials spill, large fire on campus, significant disruption to campus infrastructure, multiple building closings, pandemic, or a mass casualty disaster. All students and staff are automatically entered into UNH's Rave Emergency Alert System once they are assigned an UNH email. Rave alerts are typically sent via email in an effort to notify the largest percentage of students and staff in the fastest way possible. Anyone with an email ending in unh.edu will automatically receive an email from Rave Alert in the event of an emergency. Usually, Rave alerts are also sent via text message to those registered with the text system. In addition to, or in the event of an email or text system failure, UNH may use some or all of the following systems to communicate an immediate threat to the community: by directed communication, UNH web page [www.unh.edu](http://www.unh.edu), UNH PD webpage [www.unh.edu/upd](http://www.unh.edu/upd), [www.law.unh.edu](http://www.law.unh.edu), Facebook, Instagram, Twitter, To opt-in for emergency text and voice messaging, students, faculty, staff, and guests can register through [www.alert.unh.edu](http://www.alert.unh.edu), UNH TV boards, [www.unh.edu/unhtv](http://www.unh.edu/unhtv), fliers, local area radio and television stations, fliers or face to face communications.

In the event of an outbreak of a serious illness or other public health emergency, the Executive Director of the University Health and Wellness Department or designee will collaborate with UNHPD Emergency Management division to confirm the emergency, the UNHPD will draft the language of the warning and distribute the warning to the affected campus community.

Situations requiring a Rave Alert will almost always require ongoing communications support. UNHPD will determine what level of emergency is present and use the Emergency Operations Plan (EOP). Once the EOP is activated, the process of posting information on UNH's homepage and preparing a crisis communications response will begin. Depending on the type of emergency, UNHPD and Media Relations may work together to craft a consistent set of follow-up messages that can be efficiently distributed to update the UNH and larger community, including through additional Rave Alert or through the UNH homepage ([www.unh.edu](http://www.unh.edu)), directed communication, or UNHPD web page ([www.unh.edu/upd](http://www.unh.edu/upd)) and the law home page [www.law.unh.edu](http://www.law.unh.edu).

Parents and the larger community can receive information pertaining to an emergency situation at the university through some or all of the following systems: signing up for Rave Alerts at [www.alert.unh.edu](http://www.alert.unh.edu), by following UNHPD Facebook or Instagram account, by visiting UNH's homepage at [www.unh.edu](http://www.unh.edu), UNH Law's home page [www.law.unh.edu](http://www.law.unh.edu) or visiting the UNHPD home page at [www.unh.edu/upd](http://www.unh.edu/upd).

System to Use	Primary Message Creator	Backup message creator	Authority to approve & send msg.	Primary message sender or distributor.	Back up message sender or distributor
<b>PRIMARY</b> UNH Alert-Rave	UNH PD Chief or designee	Media Relations	UNH PD Chief or designee	UNHPD Dispatchers	UNH PD Chief
UNH Directed Communication	UNH PD Chief or designee	Media Relations	UNH PD Chief or designee	UNHPD Dispatchers	UNH PD Chief
UNH PD Website/ UNH Website	UNH PD Chief or designee	Media Relations	UNH PD Chief or designee	UNHPD Dispatchers	UNH PD Chief or Media Relations
<b>SECONDARY</b> Fliers	UNH PD Chief or designee	Media Relations	UNH PD Chief or designee	UNH PD Chief or designee	Residential Life and Building Managers
<b>Local Radio and TV</b>	UNH PD Chief or designee	Media Relations	UNH PD Chief or Designee	Media Relations	UNH PD Chief of Police or Designee
<b>UNH TV boards</b>	UNH PD Chief or designee	Media Relations	UNH PD Chief or Designee	UNH PD Chief of Designee	Media Relations

### TIMELY WARNINGS- CRIME ALERTS

The University of New Hampshire issues Timely Crime Warnings to warn the campus community about certain Clery crimes that present a continuing threat to the campus community and to aid in the prevention of similar crimes. Known in the Clery Act as a “timely warning,” the intent of the Timely Crime Alert is to warn of a criminal incident so that people will be able to protect themselves. Timely Crime Alerts are issued in a manner that is timely, withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. The Clery Act requires UNH to distribute Timely Crime Alerts regarding Clery crimes that occur within UNH’s Clery geography and represent a serious or continuing threat to the safety of students or employees. These Clery crimes are murder/non-negligent manslaughter, manslaughter by negligence, rape, fondling, statutory rape, incest, robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence, dating violence, and stalking. Larceny-

theft, simple assault, intimidation, and destruction/damage/vandalism will be assessed for a crime warning if there is evidence they were motivated by hate or bias against a protected party.

UNHPD's Chief of police or designee has the authority to develop the content of a Timely Warning Crime Alert and authorize distribution using the guidelines listed below. The Chief of Police or designee will consider the type of offense, location, nature of any threat and whether there is a continuing threat to the community or a continuing crime pattern in determining the appropriateness of a Timely Warning Crime Alert. Some information may be withheld if there is a risk of compromising law enforcement efforts to investigate and/or solve the crime. If the victim of the crime is a person, that person will not be identified by name in a Timely Warning Crime Alert. Timely Warning Crime Alerts are issued as soon as the pertinent information is available to the UNHPD.

Crimes will be assessed on a case-by-case basis and Timely Warning Crime Alerts will be distributed as deemed necessary. Cases of aggravated assault involving known parties, such as two roommates fighting which result in an aggravated injury, will be evaluated on a case-by-case basis to determine if an individual is believed to be an ongoing threat to the larger UNH community. Cases of sexual assault will be considered on a case-by-case basis to determine whether there is an ongoing threat to the larger UNH community, depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by Security Services and the UNHPD. Timely Warning Crime Alerts will not typically be issued for property crimes unless there is some evidence of a pattern or a serious, continuing threat to the community.

The following factors will be considered when determining whether to issue a Timely Warning Crime Alert

- Where the crime occurred
- The nature of the crime (serious/non-serious, violent/non-violent)
- The nature of the threat (general threat versus limited threat to a specific person)
- Whether or not there is a continuing danger to the community or continuing crime pattern.

When UNHPD becomes aware of a situation that meets the criteria for a Timely Warning Crime Alert, the Chief of Police or designee develops the content of the Crime Alert, has the authority to authorize the distribution and distributes the Crime Alert to the community. In the event a Timely Warning Crime Alert is needed, consideration will be given to the most appropriate means to be used to disseminate the information to the UNH community. The primary form of distribution is through a mass email message sent to the entire university community through the UNH Rave Alert system. This email is sent by the Chief of Police or designee, including, but not limited to UNHPD communications specialists, or UNH Clery Compliance team members. Other forms of communication may be utilized, such as directed communications, UNHPD Facebook, UNHPD Twitter or UNHPD Instagram. In addition, Timely Warning Crime Alert notices may also be shared by posting on UNH's homepage, UNH Law's homepage, the UNHPD homepage, press releases, postings/notices at appropriate locations, or the use of UNHPD electronic signboards.

Updates to the community about any particular case resulting in Timely Warning-Crime alert may be distributed to the campus through any one or more of the following mechanisms:

- **UNH Alert (Rave):** a free service that automatically sends a brief text message alerting the community regarding an emergency on campus to email accounts or cell phones. UNH students, faculty, and staff, with UNH email are automatically enrolled others may sign up for alerts at <https://alert.unh.edu>.
- **Directed Communications/Blast email:** UNH email system alerting students, faculty, and staff.
- **Fliers:** posted on bulletin boards in academic buildings, residence halls, outdoor boards and kiosks and administrative buildings.
- **UNH Police Department website:** [www.unh.edu/upd](http://www.unh.edu/upd).
- **UNH website:** [www.unh.edu](http://www.unh.edu). UNH Law website: [www.law.unh.edu](http://www.law.unh.edu)
- **The New Hampshire:** student newspaper.
- Local area radio and television stations and print media.

Other Campus Security Authorities learning of an incident in which a Timely Warning Crime Alert might be appropriate will share the information with the Clery Staff at UNHPD to determine whether the incident meets the criteria for a Timely Warning Crime Alert.

A Timely Warning Crime Alert notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts

- The date and time or time-frame of the incident
- A brief description of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips)
- Suspect description(s)/photo(s) when deemed appropriate and if there is sufficient details
- Police agency contact information
- Other information as deemed appropriate.

UNHPD does not issue Timely Warning Crime Alert notices for the above listed crimes if:

- The Chief of police or designee determined there is no serious or continuing threat to the safety of the UNH students, employees and community members.
- The subject(s) apprehended and the threat of imminent danger to the UNH community has been mitigated by the apprehension.
- A report was not filed with UNHPD/ Security Services or UNHPD was not notified of the crime in a manner that would allow the department to post a “timely” warning for the community (e.g. a report that was filed more than 5 days after the date of the alleged incident may not allow UNHPD to post a “timely” warning to the community). This type of situation will be evaluated on a case-by-case basis.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

A copy of the Timely Warning Crime Alert will be filed in the corresponding case file.

### **SAFETY ALERTS:**

The UNHPD or Security Services may also issue “**Safety Alerts,**” when necessary, to apprise the UNH Law community of safety issues and concerns. These “safety alerts” will include safety tips and recommendations to follow so that the UNH community can make informed decisions about personal safety.

Security Services maintains a daily crime log that contains all crimes reported to the department. It can be viewed by coming to the security office located at 2 White St., Concord, NH 03820, during normal business hours.

### **Student and Employee Registration for Rave Emergency Alerts and Timely Crime Warning**

Students and employees with valid UNH.edu email addresses are automatically enrolled to receive email alerts from Rave Alerts unless they opt out. They are also able to opt-in and sign up to receive text alert messages at [www.alert.unh.edu](http://www.alert.unh.edu). Visitors and guests may also sign up to receive alerts while on campus at events.

The email database is updated daily with the most current list of email addresses.

### **Rave Alerts and Timely Warning System Testing**

UNHPD tests the emergency notifications system on a monthly basis. The systems are tested campus-wide on an annual basis.

### **Information about Sex Offenders**

The Federal Campus Sex Crimes Prevention Act required institutions of higher education to issue a statement to the campus community about where to find information on registered sex offenders on the state.

In NH, convicted sex offenders must register with the local police jurisdiction in which they reside. This information is transferred to the NH State Police who maintain this website. This information can be found at: <https://business.nh.gov/nsor/>.





## CRIME PREVENTION AND SECURITY AWARENESS EDUCATION

Creating a safe campus is everyone's responsibility. The following programs are offered to inform the campus community about campus security procedures and practices, to encourage the campus community to be responsible for their safety and the safety of others, and to inform students and employees about crime prevention.

### **Active Threats Training**

UNHPD conducts Active Shooter Response training presentation for students, faculty and staff, designed to provide an overview of an active shooter event. The instructors are experienced law enforcement trainers whose main goal is to share tactics and techniques that can and will help participants survive a crisis specifically, to survive an active killer incident.

### **Student Orientation:**

The day before classes begin each semester the Dean for Student and UNH Police Supervisor of Security meet with incoming students for orientation. They discuss Rave Alerts, Crime Warnings, and safety on campus to include theft deterrence. They discuss reporting procedures,



safety in the community and emergency reporting and how to obtain help. Information is also provided about campus security and safety on campus to students, faculty and staff.

### **Rape Aggression Defense (RAD)**

The UNHPD hosts two RAD classes per year, one each semester. The Rape Aggression Defense basic personal defense system is a national program of realistic self-defense tactics and techniques taught for women only. All classes are taught by nationally certified R.A.D. instructors. To learn more or sign up for a class contact the UNHPD at 603-862-1427.

### **Additional Crime Prevention and Security Awareness Programs**

Upon request, personnel from UNHPD or Security Services are available to present to academic classes, departments, student organization, campus offices and residence halls regarding campus safety issues around crime prevention and security awareness. Presentations highlight steps to enhance personal safety as well as community responsibility for creating a safer campus. These programs encourage students and employees to be responsible for their own safety and the safety of others. UNHPD and Security Services conducts many security awareness and crime prevention programs each year. Also see the chapter of this document entitled “Sexual Assault, Domestic Violence, Dating Violence and Stalking,” for more crime prevention and security awareness programs.

## **Sexual Assault, Domestic Violence, Dating Violence & Stalking**

UNH prohibits sexual assault, domestic violence, dating violence, and stalking as they are defined for the purposes of the Clery Act and NH State Law. These crimes will not be tolerated on campus and are a violation of New Hampshire law as well as student and employee conduct policies. UNH pro-actively addresses sexual assault, domestic violence, dating violence, and stalking.

For the legal definitions of sexual assault, domestic violence, dating violence, stalking and consent in UNH’s jurisdiction, the State of New Hampshire please see the chapter in this document entitled, “State of New Hampshire Crime Statutes and Definitions.”

For the purpose of the Clery Act, sexual assault, domestic violence, dating violence and stalking are defined as the following:

### ***Sexual Assault***

- Sex offense: is defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- Rape: is defined as the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes both males and females.
- Fondling: is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Statutory Rape: is defined as sexual intercourse with a person who is under the statutory age of consent.
- Incest: is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### ***Domestic Violence***

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred. To categorize an incident as domestic violence, the Relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship. (U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting, 2016 Edition, Washington D.C, 2016 pg.3-38.)

### ***Dating Violence***

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or threats of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

### ***Stalking***

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or

interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identifies to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

### **Procedures UNH will follow when Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is reported**

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation, and working situations, if reasonably available. UNH will provide such supportive measures if the victim requests them, and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement or make a formal complaint to the Director & Title IX Coordinator. Students and employees should contact the Director & Title IX Coordinator Laura Buchs at [laura.buchs@unh.edu](mailto:laura.buchs@unh.edu) or by calling 603-862-2930. They may also notify the UNH Police at 603-862-1427 if they are seeking assistance with accommodations.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University (UNH Law Security Services, 603-513-5259), the following procedures will be used by the university:

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

1. UNH will assess immediate safety needs of complainant.
2. UNH will provide the complainant information about obtaining medical care, including a free forensic exam from a Forensic Nurse Examiner.
3. UNH will provide written information to complainant on how to preserve evidence.
4. UNH will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for the local police department.
5. UNH will provide complainant with referrals to on and off campus mental health providers.
6. UNH will assess need to implement interim or long-term protective measures, if appropriate.
7. UNH will provide the complainant with a written explanation of the complainant's rights and options.

8. UNH will provide a “no trespass”, “Campus ban”, or no contact order if deemed appropriate.
9. UNH will provide written instructions on how to apply for a protective order.
10. UNH will provide instructions on how to submit a formal Title IX complaint to initiate a University response and investigation.
11. UNH will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant and accused regarding timeframes for inquiry, investigation and resolution.
12. UNH will inform the complainant and accused of the outcome of the investigation and whether or not the accused will be administratively charged under the Student Code of Conduct.
13. The complainant and the accused will have the right to participate in University disciplinary proceedings and be accompanied to any related meeting or proceeding by an advisor of their choice.
14. Both parties shall be informed simultaneously and in writing of the outcome of any disciplinary proceeding that arises from an allegation of sexual assault, domestic violence, dating violence or stalking, and the procedures for appealing the outcome.
15. UNH will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or harassment or for assisting in the investigation or disciplinary process.

## **UNH MULTIDISCIPLINARY CAMPUS COMMITTEES**

UNH has two campus groups charged with addressing gender based violence through multidisciplinary lenses, the Title IX Advisory Committee and Sexual Harassment and Rape Prevention Program (SHARPP).

### **Title IX Advisory Committee**

The Title IX advisory committee on Sexual assault and misconduct meets monthly to discuss and provide leadership on campus efforts to prevent and respond to sexual assault and sexual misconduct (including but not limited to: sexual harassment, intimate partner violence, and stalking). The group reports to the senior campus leaders and ensure the coordination of campus prevention, response and accountability measures.

Specific responsibilities of the advisory group include the following:

- Facilitate the development of a comprehensive strategic plan that addresses the important health, academic, social and safety issues related to sexual assault and misconduct.
- Oversee evaluating campus programs and services.

- Support the implementation of evidence-based policies, prevention and intervention programs, services and accountability procedures.
- Charge and support other campus committees of students, faculty, and staff to address Sexual assault and sexual misconduct issues on campus.

### **Sexual Harassment and Rape Prevention Program (SHARPP)**

The mission of Sexual Harassment and Rape Prevention Program is to eliminate sexual and intimate partner violence. SHARPP's mission is accomplished in two parts: by providing free and confidential advocacy and direct services to all survivors and their allies; and by offering culturally competent awareness and prevention programs to the University of New Hampshire Community.

## **PREVENTION, AWARENESS & BYSTANDER INTERVENTION**

### **PRIMARY PREVENTION AND ONGOING AWARENESS PROGRAMS**

UNH is dedicated to educational and prevention services. Primary programs are informed by research or assessed for value, effectiveness, and outcomes. The goal of such programs is to stop sexual assault, domestic violence, dating violence, and stalking before they occur. Primary prevention programs promote behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change social norms in healthy and safe directions. Primary prevention and ongoing educational/awareness efforts at UNH contain information about options available to victims, procedures for institutional disciplinary action, risk reduction, and bystander intervention.

In the fall of 2021, a new program called Sexual & Interpersonal Violence Prevention And Response Course (SPARC) will be sent out to all new and transfer students to complete. This program was developed by the State University of New York (SUNY). All new, incoming students and employees will receive training and be informed about primary prevention and awareness programs and learn that UNH prohibits domestic violence, dating violence, sexual assault and stalking or any other form of sexual violence. This same training will be sent out to new and transfer students again in January 2022. The definitions of these violations are covered earlier in this chapter. In 2020 SHARPP provided over 161 programs to students, faculty and staff including bystander intervention, healthy relationships, street harassment, and Wildcats get consent among many others. They had contact with over 8,514 people. Title IX provided over 15 different training programs to students, faculty and staff.

The following chart is an example of the many courses offered each year at UNH.

Organization Name	People trained	Course Name	Topic
Housing	Staff/faculty	None of your business	Healthy relationships
Greek Life	Greek chapter students	Hooking up with confidence	Bystander intervention
Study abroad Program	Faculty, staff and students	Staying safe while abroad	Personal body safety
Residential Life	College faculty and staff	Behind Closed Doors SHARPP protocols	Dating Violence and sexual violence
Alpha Chi Omega	Greek Chapter students	SHARPP 101	Dating Violence
UNH	UNH Community	Take Back the Night	Rape myths vs facts
Other Health and Wellness	UNH Community	Trauma informed response	Sexual Assault
UNH Police	Female students/employees	RAD- Rape Aggression Defense	Women's self-defense course

### Resource Fair

During orientation new students and employees are given the opportunity to go to the resource fair where representatives from Health and Wellness, Police, Psychological and Counseling Services, SHARPP, Housing, Dining and many other departments are there available to answer any questions or concerns regarding attending UNH.

### Wildcats Get Consent!

This is a 60 minute in person or on-line program that allows audience members to discuss sex and consent. Students will examine the current landscape of the issues on UNH's campus and what this means for themselves and the community. The program also addresses the relationship between alcohol and other drugs with sexual violence.

### Healthy Relationships

This program runs 60-90 minutes and looks at what constitutes a healthy and unhealthy relationship. Incoming and returning students and employees are able to participate in this interactive program which includes both small and large group discussions around healthy relationships.

### You Can Help!

This 60 minute program engages people about the importance of their role in helping to end interpersonal violence at UNH. YOU CAN HELP serves as our active bystander training program where we spend time analyzing why people do and don't act as active bystanders. This program empowers students to take what they have learned to make UNH a safer campus.



### **Sexual Harassment**

This 60 minute program uses scenarios and discussions to clarify the concept of sexual harassment. After talking about what sexual harassment means, discovering the difference between flirting vs. hurting, participants discuss appropriate professional, educational, and social boundaries.

### **Street Harassment: What's the big deal anyway?**

Street harassment is... “Unwanted comments, gestures, and actions forced on a stranger in a public place without their consent and is directed at them because of their actual or perceived sex, gender, gender expression, or sexual orientation.”(Source: stop street harassment) In this program we will look at street harassment and its impact and role within rape culture. With the use of videos, students will examine the harmful effects of street harassment in public areas. For more information on these programs visit: <https://www.unh.edu/sharpp/requesting-program>.

### **Incoming/Returning Graduate Students**

All incoming and returning grad students receive a link twice a year, once in January and again in August for an online training called “Safety in Knowledge Module”.

### **Employees**

There are currently three courses available to employees regarding preventing unlawful harassment. Preventing unlawful harassment is an online course assigned to all new employees as part of their new employee onboarding process. Employees will receive this training every three years. For more information visit: <https://www.unh.edu/hr/prevent-harassment-training-resources>.

The other two programs offered are Conflict of Interest and Creating a Respectful Workplace and both of these courses are voluntary. Contact Human Resources for more information. At faculty orientation the Title IX Coordinator talks to all faculty about sexual harassment and preventing violence in the workplace.

## **GENERAL TRAINING SERVICES**

The Sexual Harassment and Rape Prevention Program (SHARPP) conducts a variety of programs addressing sexual violence, dating violence, domestic violence, and stalking. SHARPP's prevention and education efforts follow a public health approach under the Center of Disease Control. There are over 300 educational events held around campus each year, reaching over 20,000 faculty, staff, and students for all three campuses. Faculty, students and staff who wish to learn more about sexual assault, dating violence, domestic violence and/or stalking can get more information or request classes through SHARPP at: <https://www.unh.edu/sharpp/requesting-program>.

The Director & Title IX Coordinator can provide training upon request about institutional reporting requirements and resources/rights for victims of sexual assault, dating violence, domestic violence, stalking, and/or sexual harassment. Additionally, the Title IX Coordinator will provide focused trainings in areas where patterns or systematic problems arise. For more information contact the Title IX coordinator at: [laura.buchs@unh.edu](mailto:laura.buchs@unh.edu).

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

1. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

## BYSTANDER INTERVENTION PROGRAMS AND RISK REDUCTION

### YOU CAN HELP: Wildcats are Active Bystanders

<http://www.unh.edu/sharpp/bystander>

You Can Help is a 60 minutes in person or online class that engages people about the importance of their role in helping to end interpersonal violence at UNH. This is UNH's active bystander training program.

### Bystander Intervention Tips

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Many people assume that sexual assault, domestic violence, dating violence, and stalking only affect the crime victim, when in fact entire families, friend groups and communities are hurt. If you see something, say something:

- Be active in supporting a safe and respectful community. If you see others engaging in disrespectful or inappropriate actions, speak up and get involved, or contact someone to assist.
- Listen for rape jokes and sexist language. You don't have to laugh or participate.
- If you see someone who looks to be in immediate danger, call 911.
- You can intervene even after an assault. Learn what options sexual assault survivors have available to them on this campus and be supportive of their choices. Believe survivors when they share experiences.

- Of you sense that something is wrong, don't ignore it, you can help by getting involved. Check-in and ask "Hey, do you know this person?" or, "Are you ok?" or, "Can I call a friend to walk you home?"
- When you go out, consider going out as part of a group. People tend to step in and intervene in situations when they have friends who will back them up.
- Watch out for others. If you are walking at night with friends and notice a woman walking by herself in the same direction, ask her to join you so she isn't alone.

### **Protective Behaviors and Risk Reduction: What everyone can do...**

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. It is possible to follow all of these tips and still be the target of someone else's harmful behavior. No matter what choices you make, you deserve to be safe and respected, and experiencing violence is never your fault.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust.
- Watch out for your friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the US). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - Remember that being in a situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - Be true to yourself. Don't feel obligated to do anything you don't want to do.
  - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come and get you or make up an excuse for you to leave.
  - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: I need to go take care of my friend or family.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors, windows? Are there people around who might be able to help you?
- Do not pressure others to drink or use drugs and be alert to people pressuring you or others to use.
- Alcohol and drugs are often used to create vulnerability to sexual assault. Studies of sexual assault incidents show a high correlation between sexual assault perpetration, victimization and drug/alcohol usage.
- If you've been sexually assault or victimized there are resources available to you.

## REPORTING AND RESOURCES

Students and employees who experience sexual assault, domestic violence, dating violence, and/or stalking have many options and supportive measures available to them both on and off campus, including mental health counseling, victim advocacy, off-campus legal assistance, employee assistance and access to the criminal and campus disciplinary systems. Many services are available to victims regardless of their choice to report the incident to law enforcement, and several are available at no charge.

The campus and community have a wide range of services available to help student victims. When a student or employee reports to UNH that they have been a victim of sexual assault, domestic violence, dating violence and/or stalking, whether the offense occurred on or off campus, UNH will provide the student or employee with written notification of the student or employee's rights and options. Such written information will include:

- The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred.

- Information about how the institution will protect the confidentiality of victims and other necessary parties.
- A statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- A statement regarding the institution's provisions about options for, available assistance in, and how to request supportive measures; and
- An explanation of the procedures for institutional disciplinary action.

## PROCEDURES FOR REPORTING

UNH encourages victims of sexual assault, domestic violence, dating violence, and/or stalking to report the incident immediately to UNHPD at 603-862-1212 or by calling 911. In addition to law enforcement individuals may also report sexual assault, domestic violence, dating violence and stalking to UNH through the Dean of Students, Human Resources, and UNH's Title IX coordinator. Following a report of sexual assault, domestic violence, dating violence and/or stalking to UNH, whether the offense occurred on or off campus, UNH will provide the student or employee with a written explanation of the student's or employee's rights and options. All victims have the right to be accompanied by a person of their choosing, including a victim advocate, when they file a report and to any meetings related to institutional disciplinary proceedings.

### TO REPORT TO LAW ENFORCEMENT

Sexual assault, sexual harassment, domestic violence  
Dating violence, and/or stalking can be reported  
To local law enforcement, including UNHPD:

#### **UNH Police Department**

18 Waterworks Rd. Durham, NH 03824  
603-862-1212 or 911 (on campus)

Concord Police Department  
35 Green St. Concord, NH 03824  
603-225-8527 or 911 (off campus)

#### **For everyone:**

Affirmative Action & Equity Office  
Thompson Hall Rm 305  
105 Main St. Durham, NH 03824  
603-862-2930

### TO REPORT TO UNH

For institutional response including;  
investigation of sexual assault, sexual  
harassment, domestic violence, dating  
Violence and/or stalking, and for  
accommodations and resources for victims,  
incidents can be reported at the following

#### **For Students:**

Dean of Students Office  
2 White Street, Concord NH

#### **For Employees:**

Office of Human Resources  
Nesmith Hall  
131 Main St. Durham NH 03824  
603-862-0501

A victim has the right and is encouraged to notify proper law enforcement authorities, including UNHPD and local police, to report sexual assault, domestic violence, dating violence and/or stalking. Victims have the right to be assisted by campus authorities in notifying law enforcement if the victim chooses. UNH will comply with a request for assistance in notifying law enforcement. Victims also have the right to decline to notify law enforcement. If the crime occurred on UNH property, UNHPD/ Security Services can assist but Concord Police Department has jurisdiction. If the crime occurred off campus, the victim can notify the appropriate local law enforcement agency with jurisdiction at the location of the crime. UNHPD will assist the victim in identifying the correct law enforcement agency and will assist the victim in reporting it to that agency.

If a victim chooses to report to UNHPD/Security Services, the Dean of Students Office, Human Resources or the Title IX Coordinator, UNH will investigate for a hostile environment and, where applicable, pursue disciplinary action against the person alleged to have committed the offense. The Dean of Students, Human Resources, and the Title IX Coordinator are required to respond appropriately to all reports of sexual violence, and will do so when they receive notice of a possible hostile environment.

UNH provides training and information to many staff members on how to respond to, and support victims, however, many victims do not feel comfortable talking to law enforcement, campus administrators, professors or advisors. Healing can look different for everyone. Additional services available to victims of crime occurring both on and off campus are listed in this chapter, including confidential options that will not result in criminal or university investigation.

When reporting sexual assault, domestic violence, dating violence and/or stalking, please note the following:

- The preservation of evidence may strengthen the investigation, which may result in a better chance of holding the accused responsible or obtaining a restraining order. (Evidence may include the clothing worn at the time, a record of threatening text messages and e-mails, and bodily fluids). The local hospitals (Concord Hospital) has SANE nurse examiners on staff that can provide no-cost forensic medical exams, even if a victim chooses not to report to law enforcement.
- Although it is best not to shower, even if a victim has showered and changed clothes, a police report can be filed and/or medical exam can be obtained.
- Campus officials are required to provide information about options and assist in making contact with law enforcement personnel if requested.
- Filing a report will generally involve an interview with a law enforcement officer or an investigating officer from the Title IX office (or both, if you choose to report to both agencies).



- A student disclosing sexual assault, dating violence, domestic violence, and/or stalking victimization to a UNH staff member with a confidential status will be provided with appropriate supportive measures and referrals, including but not limited to: information about counseling, medical care, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community; information about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim, and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. They are given an explanation of the student or employee's rights and options for reporting. Privileged and confidential staff members will explain their confidential role and that the disclosure has not triggered reporting except for statistical purposes.

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

Regardless of whether a victim elects to pursue a criminal complaint, a student or employee who reports to UNH that s/he has been a victim of domestic violence, dating violence, sexual assault, stalking or any form of sexual violence whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student's or employee's rights and options, outlined in this publication. Such written information will include:

- The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- Information about how the institution will protect the confidentiality of victims and other necessary parties;
- A statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- A statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and supportive measures; and
- An explanation of the procedures for institutional disciplinary action.

In addition, the UNH Directory & Title IX Coordinator will be informed of all reports and will coordinate, as appropriate, with the police, Community standards office and other campus staff only on a need-to-know basis.

SHARPP, Psychological and Counseling Services (PACS), Health & Wellness staff and ordained pastoral counselors operate under policies and procedures that comply with Federal and New Hampshire state laws regarding confidentiality. Please check with each of these offices to learn more about limits on confidentiality. In addition, victims are encouraged to speak with the Title IX Coordinator, UNH Police Chief and Director of Community Standards to discuss their guidelines on confidentiality.



Prevention of retaliation: No office, employee or agency of UNH shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under the Campus SaVE Act. Title IX already prohibits such retaliation.

### **RESTRAINING ORDERS AND NO CONTACT ORDERS**

The University of New Hampshire complies with NH law in recognizing domestic violence temporary orders of protection, domestic violence final order of protection, or stalking temporary and final orders of protection and restraining orders. Any person who obtains a domestic violence order of protection, restraining order, or stalking order from NH or any state in the US (including Puerto Rico) should provide a copy to the Concord Police Department, UNH Security Services or Police and Office of the Title IX Coordinator. A complainant may then meet with UNH Security Services and/or UNH Police to develop a safety action plan, which is a plan for UNH Security Services and UNH police and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include but is not limited to: escorts, special parking arrangements, changing classroom location, issuing a ban order to the suspect or allowing a student to complete assignments from home, etc. UNH is unable to apply for a legal order of protection, no contact order, or restraining order of protection for the victim if they are at a location off campus.

**If living in Concord, outside of campus, and seeking an order please contact the Concord Police Department at 35 Green St. Concord, NH 03301 or at 603-225-8600**

*What is a restraining order?*

A Restraining Order is a court order limiting defined potential conduct of someone who has abused or harassed you, ordering them not to abuse or contact you. If you need assistance with legal advice or help filling out an order you may notify the domestic violence crisis center in your area. For the nearest office call 1-866-644-3574 for domestic violence or stalking, and 1-800-277-5570 for sexual assault.

For more information on Domestic Violence RSA click here:

<https://www.gencourt.state.nh.us/rsa/html/xii/173-b/173-b-mrg.htm>.

1. Domestic Abuse Restraining Protection order: There is no filing fee for domestic abuse restraining orders. The petitioner must show the respondent engaged in physical abuse, sexual assault, impairment of physical condition, criminal damage to property, or threat to do one of these. It is against the law for your spouse, partner, family or household member to :
  - a. Assault or attempt to injure you or your children or your property.
  - b. Threaten you so that you fear for your physical safety or the safety of your children.
  - c. Force sexual contact or relations on you against your will.
  - d. Enter your residence or home against your will if you are living separately.
  - e. Kidnap or interfere with your freedom against your will.
  - f. Destroy or threaten to destroy your property, including pets.
  - g. Follow you around or act in a way that would make a reasonable person afraid.
  - h. Harm or threaten to harm an animal or household pet.
2. Stalking or Protective Orders – It is against the law for someone:
  - a. To follow you around or show up at your home, work, school, or other place where you are, making you afraid for your own or your family’s safety (this has to happen more than once, unless a protective order or bail conditions are in place and the behavior would make a “reasonable person” afraid).
  - b. To follow you around even once, or show up at your home, work or other place described in any protective order or bail order you have against him/her.
  - c. To threaten you or your family with death or bodily injury, or to injure your family pet(s); or
  - d. To damage your residence or property, or your family’s residence or property; or
  - e. To place objects on your property or your family’s property.

*How to file a Restraining order?*

To file for a restraining order you can go to a family court or district court if there is no family court in your county. You can file in a court where either you or your abuser lives. If you have questions about where to file for a protective order, contact your local police department.

Procedures to get an order:

1. Ask the court clerk for a domestic violence petition.
2. Write down clearly and in as much detail as possible what happened to you.
3. What happened to you and how many times if more than once.
4. The date, time and location where it happened.
5. The important facts about the abuse.
6. Additional facts of any other past or present abuse by this person.

*Serving a Restraining Order, who serves it?*

Once restraining order is granted, a copy of your temporary protective order will be sent to the Department of Safety by computer. The State Police must make the protective order available to your local police department and sheriff.

The local police must promptly serve your abuser with a copy of the temporary or emergency protective order. There is no charge for this service. These orders are in effect anywhere in NH and should be enforceable in other states too.

*What is an Injunction Hearing?*

A full, final hearing will be held on your domestic violence petition within 30 days of when you file it or within 10 days of the date the petition is served on your abuser, whichever is later. You will receive a hearing date with the paperwork included with your temporary order. However, the abuser may also ask for an earlier hearing within 3 to 5 business days of when he or she makes the request, which you must attend. The court will send you notice of the date, time and place of the new hearing date. In any case, you must attend the final hearing in order to have the temporary protective orders made final.

You have the right to bring a lawyer to represent you at the hearing. It is a good idea to talk to a lawyer if you think custody or child support will be disputed, or if you have been severely injured or expect an injury you received to last a long time.

At the final hearing, you will have to testify before the judge about what happened. Tell the judge about what happened and why you want the final protective order. Tell the judge about what you wrote down in your petition, if you have a history of being abused by your attacker, or if he or she has abused any other member of your family.

### *Violation of Restraining Orders, what happens?*

Once a protective order is in effect against the abuser, it is a crime for the abuser to violate the order. If the abuser knowingly violates a protective order in any way, it is a Class A misdemeanor crime. You should report any violations to the police. The police will decide whether to arrest and prosecute him/her. Regardless of what the police do, if you feel there is a violation for the order, you can also take the abuser back to court by filing a motion for contempt of the order.

If your restraining order is being violated, regardless of whether or not you have informed Concord Police Department or UNH Police, please call 911 immediately.

### **NO CONTACT ORDERS**

The UNH Police Department and Security Services will assist students who are being stalked by issuing a no contact order. The police department will investigate all complaints received about behaviors toward the victim. When this behavior could be interpreted as stalking – engaging in a pattern of behavior with the purpose of causing emotional distress to another, terrorizing, repeatedly following a person, or repeatedly appearing outside their home, place of work, or school the police department will serve the suspect with a No Contact Order.

A no contact directive is a university-issued directive that prohibits the recipient from having contact with the individual or individuals' named in the directive. The no contact directive is different than a restraining order issued by a court of law and may be issued independent of campus investigatory/disciplinary processes.





**PROTECTION ORDER CHART**

Type of Order:	Who Can File For One:	Court:	Based On:
Domestic Violence Civil /Criminal Protection Order – up to 5 years, can be renewed**	Family or household members including : <ul style="list-style-type: none"> <li>• Spouses, former spouses</li> <li>• Parent, child, foster parent</li> <li>• People who have kids together</li> <li>• Intimate partners who lived together in the last 5 years</li> <li>• Same sex couples are eligible</li> </ul>	Local District, Superior or Family Court – where victim lives, where abuser lives or has a business, or where incident(s) occurred	Causing or trying to cause injury or placing someone in fear of imminent serious harm (Courts use different requirements for how recent the incident must be)
Stalking Protection Order - up to 5 years, can be renewed**	Any person who is a victim of stalking. No relationship with stalker is required.	Local District, or Superior Court where victim lives (if family or household member, can be filed as DV Protection Order, see above)	Pattern of conduct (2 or more events), closely related in time, that cause distress or make a victim believe the stalker will cause harm
Juvenile Protection Order – until abuser reaches age 19	Victim of abuse by a person who is under age 18, or the victim’s parent or other household member, or other parties the Court approves.	Juvenile Court – where victim lives	Assault, stalking, sexual offenses, threats of harm or aggravated trespass



## **NOTICE OF SUPPORTIVE MEASURES AND CONFIDENTIAL RESOURCES**

### **Supportive Measures**

Students and employees who report sexual assault, domestic violence, dating violence and/or stalking to UNH will receive written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community. This information is also provided to all students and employees in this AFSR.

UNH will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or supportive measures. This will be provided whether the offense occurred on or off campus. UNH will provide such supportive measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement or make a formal complaint to the Director & Title IX Coordinator. This information is also provided to all students and employees in this AFSR.

UNH will maintain as confidential any supportive measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of UNH to provide accommodations or supportive measures.

When determining what measure to grant, factors considered might include, but are not limited to: the specific need requested by the complainant, the age of the people involved, the severity or pervasiveness of the allegations, any continuing effects on the complainant, whether the complainant and alleged perpetrator share the same living space, dining hall, job location, classes, extra-curricular activities, or whether judicial measures have already been taken to protect the complainant.

The following office can provide information and assistance to those seeking changes to academic, living, transportation, working situations and other supportive measures.

AAEO Thompson Hall Rm 305 105 Main St, Durham, NH 03824 603-862-2930
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## CONFIDENTIAL RESOURCES

For victims who choose to not report to law enforcement and/or to campus offices, there are several options available. These options allow a victim who is 18 or older to get help without having their name or information shared with campus officials, third parties or law enforcement to the extent permissible by law. Please be aware that exceptions to confidentiality include reports of child abuse (victims 17 or younger), elder abuse, and threats of imminent harm to self or others.

### On-Campus Confidential Resources

**SHARPP**- provides on-going support and assistance, including accompanying you to hospital, police, AAEO office, student conduct office, court and other systems. SHARPP provides on-going support and assistance, including academic interventions, referrals, and support options for short term and long term care.

**Available 24/7 603-862-7233 (SAFE)**

<https://www.unh.edu/sharpp/>

**Psychological & Counseling Services (PACS)** provides mental health counseling services including individual, group, and psychiatric services

**For Appointments call 603-862-2090**

<https://www.unh.edu/pacs/>

**Health & Wellness:** provides medical treatment and testing to individuals.

**For Appointments call 603-862-9355 (WELL)**

<https://www.unh.edu/health/>

FOR EMPLOYEES

Employee Assistance Program (EAP) confidential resource, available for all UNH Faculty & Staff.

**1-800-424-1749 available 24/7**

### Off-Campus Confidential Resources

Concord Hospital - Sane Nurse- Forensic Nurse examiner provides emotional support, physical examination, and wellness checks, collection of medical-forensic evidence, assistance with reporting to police when requested (mandatory reporting for children), assistance with concerns about sexually transmitted infection and pregnancy, assistance with safety planning and development of a medical follow-up plan.

**250 Pleasant St Concord, NH  
800-557-5100**

Haven: supports southeastern New Hampshire through violence prevention education, support services, and confidential crisis support line staffed by trained advocates. Also will accompany people to hospital emergency rooms, police stations, court etc.

**20 International Drive, Suite 300 Portsmouth, NH 03801  
603-436-4107**

### **UNH and Protecting Victim Confidentiality**

When a student or employee victim reports to a university office or official who is not explicitly designated as confidential, UNH will take every precaution to protect the victim's privacy and confidentiality by sharing information only with university officials who have a legitimate educational interest and/or those who need to know for the purposes of providing an institutional response.

In an effort to protect victim safety and privacy, UNH maintains information about sexual violence in a secure manner. If the University has notice of an incident, UNH will keep the victim's identifying information confidential to the extent possible by law.

However, once a report is made to the University, or the University has notice of an incident of sexual assault, sexual harassment, domestic violence, dating violence or stalking, confidentiality cannot be guaranteed unless that information is reported directly to one of the confidential resources listed. UNH will strive to maintain as confidential any supportive measures provided to the victims but keeping victim information confidential may limit UNH's ability to provide supportive measures.

For victims aged 18 and older who report to non-confidential sources, reports of sexual assault, domestic violence, dating violence and/or stalking are directed to the Director & Title IX Coordinator, who will share relevant information only with those who need to know, such as complaint investigators, and other individuals who are responsible for handling the school's response to incidents, or as necessary to comply with the New Hampshire's 91-A Right to know law, a lawful discovery request or a governmental inquiry or investigation. UNH follows applicable Title IX guidance and the requirements of the federal Family Educational Rights and Privacy Act, 20 U.S.C.s. 1232g, when evaluating whether to disclose student information. In the case of minors, UNH employees must report child abuse to Child Protective Services (DCYF) or local law enforcement.

For Clery Act reporting and disclosures, a victim's name or identifying information will never appear in a Crime Warning, on the Daily Crime log or in the AFSR. UNH will redact a victim's identifying information when responding to requests for information pursuant to New Hampshire's 91-A Right to Know Law.

There are confidential resources available such as UNH SHARPP, Psychological and Counseling Services (PACS), and the Employee Assistance Program located on campus. Other licensed healthcare providers, counselors, and social workers employed by the university follow the confidentiality requirements of their profession when they are providing care to a patient or client.

### **ON-CAMPUS AND OFF-CAMPUS RESOURCES** **Commonly Asked Questions**

This section discusses commonly asked questions regarding on and off campus resources in regards to domestic violence, dating violence, sexual assault, and stalking. It also includes various supportive measures UNH may take to assist individuals who report domestic violence, dating violence, sexual assault and stalking, such as providing changes to academic, working and living situations.

#### **Will Concord Police Department be able to keep my personal information private?**

Although police reports are subject to 91-A Right to Know, redactions may be made prior to release. Personal information such as street address, phone number and social security number are usually removed from most responses to right to know requests. Additional information may be redacted, if the person is a juvenile, or the name may be changed to initials.

If you request that Concord Police Department (CPD) proceed with charges, CPD will typically forward an un-redacted police report and other investigation information to the Merrimack County Attorney's Office for review by the prosecutor. Note that an accused person's Attorney's Office may request a report, and Merrimack County Attorney's office will handle any redactions on this report.

#### **I want to formally report sexual assault, domestic violence, dating violence or stalking to UNH. Where do I go?**

Aside from reporting to Concord Police Department or UNHPD, you can also report to

#### **Affirmative Action & Equity Office**

Laura Buchs

105 Main Street

Thompson Hall Room 305

603-862-2930

<https://www.unh.edu/ocs/complaint>

### **What if I just want to talk to someone confidentially to get more information or emotional support?**

There are many offices, both on and off campus that can maintain as confidential any information you share with them about your experience. To the extent permissible by law, these offices do not share information provided by adult clients with campus security authorities or law enforcement. Some of these offices include SHARPP, UNH Health and Wellness, UNH Psychological and Counseling Services, UNH Chaplain's Association and Employee Assistance Program. Off campus one can reach out to YWCA Crisis Center, the New Hampshire Coalition against Domestic and Sexual Violence, or Safe Haven.

### **Where can I go for a physical exam, sexually transmitted infection (STI) testing, pregnancy, testing, or a follow-up exam?**

**Health & Wellness:** the medical staff consists of physicians, nurse practitioners, nurses, and medical assistants. They provide care in sexually transmitted infections (testing and treatment), they can provide pregnancy testing, and options about emergency contraception. They also provide routine physical exams

Health & Wellness  
4 Pettee Brook Lane, Durham, NH 03824  
603-862-9355 (well)

**Concord Hospital:** Is a hospital that can provide a wide range of medical care services for UNH Law students, including Forensic Nurse Examiner follow-up exams, pregnancy testing, emergency contraception, sexually transmitted infection (STI) testing, and STI treatment.

Concord Hospital  
250 Pleasant Street, Concord NH 03301  
603-255-2711

### **What if I'm struggling with my classes because of the stress of sexual assault, domestic violence, dating violence, or stalking, or because the perpetrator is in one of my classes?**

Victims of sexual assault, domestic violence, dating violence, and/or stalking can request supportive measures from the university, such as academic situation change if it is reasonably available, regardless of whether a victim chooses to report the crime to campus law enforcement or local law enforcement. Students should know that requesting academic support, such as asking for a deadline extension or to be moved out of a class, may obligate UNH to investigate as mandated by Title IX, but students are not required to disclose details of the incident in order to receive support. Students may reach out directly to the Title IX Coordinator for support with or without filing a formal complaint. There are also offices on campus who can help students with a request.

**SHARPP** – provides confidential information to students about their rights to request support and assists students with those requests, such as switching classes, extensions on work, changes in living situations.

SHARPP (Sexual Harassment and Rape Prevention Program)  
2 Pettee Brook Lane Durham, NH 03824  
603-862-7223

**Affirmative Action & Equity Office (AAEO):** Title IX staff are here to assist you in reporting discrimination, harassment, sexual harassment or sexual violence and bias concerning all protected categories. This office is able to assist with support such as safety planning, academic changes, living arrangements and other needed accommodations to feel safe on campus.

AAEO  
 Laura Buchs  
 Thompson Hall Room 305  
 105 Main Street, Durham, NH 03824  
 603-862-2936

### **What can the campus disciplinary processes do? How can I get more information?**

You have the right to ask questions about and learn about the campus disciplinary procedures before engaging the reporting process. Victims are entitled to certain rights under state and federal law. All Conduct Code Violations are handled through the Dean's Office, located at 2 White Street, Concord.

For information regarding campus disciplinary procedures for employees, please see the employee disciplinary procedures section of this document.

### **What if I need visa or immigration assistance?**

**Office of International Students and Scholars (OISS):** provides immigration advising and support to international students. They offer a wide variety of services and programs to international students at UNH. The OISS staff provides information and programs to international students about the campus and community and provides support and assistance concerning visa and related immigration issues. OISS is not a confidential service and staff are required to report all disclosures of sexual assault, domestic violence, dating violence and/or stalking to the Title IX Coordinator.

OISS Office of International Students and Scholars  
 Conant Hall 10 Library Way, Durham NH  
 603-862-1288  
[oiss@unh.edu](mailto:oiss@unh.edu)

### **What if I need student financial aid assistance?**

**The Office of Student Financial Aid:** This office can provide information regarding the availability of short-term emergency loans and general student financial aid. Staff in the Office of Financial Aid may be required to report all known incidents of sexual assault, domestic violence, dating violence, and/or stalking to the Title IX Coordinator for potential investigation.

Jennifer Periera  
 Associate Director of Financial Aid  
[financialaid@law.unh.edu](mailto:financialaid@law.unh.edu)  
 603-513-5105





## **UNH Law School Disciplinary Procedures for Sexual Assault, Domestic Violence, Dating Violence, and Stalking**

UNH prohibits sexual assault, domestic violence, dating violence, and/or stalking. The University of New Hampshire has policies and procedures to respond to behavior of students and employees that interfere with the University's educational and work environment.

UNH determines the type of disciplinary proceedings to use based on the status of the accused. Complaints against students for disciplinary code violations should be reported to the Director & Title IX Coordinator, UNH Law Security division, UNH Police Department or Community Standards. When the accused person is a student, the student disciplinary process will be utilized. Complaints can be submitted via the following forms:

<https://www.unh.edu/affirmativeaction/incident-report-form-about>. You can also file a complaint in person at the Dean's Office, located at 2 White Street, Concord or the Title IX Coordinator at the UNH Durham Campus. Complaints against employees should be reported to the Human Resources Office or Title IX Office. When the accused person is an employee, the appropriate employee disciplinary process will be used based on the employee's category.

### **Affirmative Action & Equity Office**

Laura Buchs

Thompson Hall Rm 305. 105 Main St. Durham, NH

603-862-2936

### **Human Resources Office**

Nesmith Hall, 131 Main Street, Durham, NH

603-862-0501

**Security Services**

Reception Desk, 2<sup>nd</sup> Floor Lobby  
(603) 862-1427

**Security Office – Room 104**

2 White Street  
Concord, NH  
(603) 513-5277

**Supervisor & Security Officers**

John.maclennan@unh.edu

**Dean's Office**

2 White Street, Rm 248 Concord, NH  
Dean Megan Carpenter  
(603) 228-1541

[Megan.carpenter@law.unh.edu](mailto:Megan.carpenter@law.unh.edu)

**Student Services**

Third Floor  
2 White St. Rm 352 Concord, NH  
Assistant Dean of Students  
Lauren Berger  
(603)-513-5171

UNH works to ensure that disciplinary investigations and procedures are prompt, fair, and impartial. UNH works to limit delays, circumstances that cause a delay may include, but are not limited to a parallel criminal investigation, school breaks, availability of witnesses, reasonable requests by either party for an extension, the complexity of the investigation, and the severity of the alleged conduct. Such delays will be evaluated by UNH on a case-by-case basis, and both parties will receive updates throughout the process.

**Rights of Victims of Sexual Assault, Domestic Violence, Dating Violence and/or stalking in UNH Disciplinary Proceedings**

Victims of sexual assault, domestic violence, dating violence and/or stalking are entitled to the following rights:

- a. A hearing under the circumstances described in this Code, if the Report of Violation is contested or is not resolved by the processes provided in the Code.
- b. At least three (3) calendar days' notice of the time and place of a formal hearing in order to prepare for that hearing.
- c. The advice of an advisor chosen from the pool of trained student advisors in preparing for a hearing when the complainant is a student.
- d. The opportunity to appeal under the circumstances described in this Code.

- e. Notice of results of formal hearings and reviews.
- f. Fair treatment: Complainants are members of the University community and have the right to be treated with courtesy and respect by responding students, responding organizations, members of Hearing Panels, Appellate Officers and members of Community Standards
- For more information, visit: <https://www.unh.edu/upd/victims-bill-rights>.

The standard of evidence used in the UNH conduct system is preponderance of the evidence.

## Supportive Measures

There are a range of supportive measures UNH offers to victims who report sexual assault, domestic violence, dating violence, and/or stalking. UNH will accommodate changes to academic, working, transportation, and living situations if requested by the victim and reasonably available. UNH may also issue a no contact order, directing the alleged offender(s) not to contact the victim or a directive ordering the alleged offense and victim not to have contact with each other. Supportive measures can be ongoing, are not necessarily tied to the outcome of a disciplinary action and will be developed on a case-by-case basis in response to the request and concerns of the victim. UNH can help victims develop a safety plan, if requested by the victim. UNH can assist students in developing a safety plan as well. For more information about institutional no-contact orders and how to request accommodations, please see the “Reporting and Resources” section of this document.

### CAMPUS STUDENT DISCIPLINARY PROCEDURES FOR MISCONDUCT INCLUDING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

## Title IX Procedures

### Procedures for investigating and adjudicating complaints of sexual harassment by any employee (faculty, staff, or administrator)

**Title IX violation: The University will respond promptly under Title IX when it has actual knowledge of sexual harassment in its education programs or activities against a person in the United States.**

Educational programs or activities under Title IX includes locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any buildings owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Sexual Harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- An employee or graduate student in an employment role conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual contact;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity; or
- "Sexual assault" as defined in the Clery Act, 20 U.S.C. 1092(f) (6) (A) (v), "dating violence" as defined in VAWA, 34 U.S.C. 12291 (a) (8), or "Stalking" as defined in VAWA, 34 U.S.C. 12291(a) (30).

UNH has implemented supplemental disciplinary procedures for investigations and hearings involving sexual harassment, sexual assault, domestic violence, dating violence and/or stalking.

### **Report and Disclosure:**

Any member of the University community and any person may report or disclose incidents of sexual violence or sexual harassment at any time in person, by mail, by telephone, or by electronic mail. The report or disclosure may be made to the Director & Title IX Coordinator. Mandatory Reporters are required to report to the Director & Title IX Coordinator all disclosures made to them alleging sexual harassment of a UNH student. Prompt reporting allows the University to obtain the most reliable information, be able to contact relevant witnesses (if any), and provide reasonable assistance and supportive measures for affected parties.

### **Outreach, Supportive Services, and Intake:**

When the Director & Title IX Coordinator receives a report of sexual harassment they will offer information to the impacted individual about the right to make a formal complaint for a violation of the policy, to receive supportive measures and to participate in an intake. If the reporting person is not the impacted individual, only the impacted individual may make a formal complaint; provided that in limited circumstances the Director & Title IX Coordinator can sign a formal complaint as well. The Director & Title IX Coordinator will notify other administrators and the UNH Police as required and to the extent permitted by law.

### **Formal Complaint:**

The formal complaint is a document filed and signed by the complainant (physical or digital signature, or signed by Director & Title IX Coordinator) alleging sexual harassment against a respondent and requesting that UNH investigate the allegations of sexual harassment.

- a. The Director & Title IX Coordinator will review the formal complaint to determine whether the conduct alleged would constitute sexual harassment as defined in 34 C.F.R. 1064.30. If the alleged conduct meets those requirements, it shall be processed in the Discrimination and Discriminatory Harassment Policy. If the conduct does not constitute sexual harassment under Title IX but otherwise alleges misconduct that would violate the policy (including alleged sexual harassment under Title VII), the complaint will be processed as otherwise provided in the Discrimination and Discriminatory Harassment Policy.
- b. The Director & Title IX Coordinator will notify the complainant and the respondent of the results of the review conducted under section a. The complainant or respondent may

appeal the finding that the conduct alleged does not meet the requirements of 34 C.F.R. 1064.30.

**Notice of Allegations:**

The Director & Title IX Coordinator will provide all parties who are known with a notice of allegations that will include a copy of the formal complaint. The notice will state that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing process, and will include a summary of available resources, the contact information for the Director & Title IX Coordinator, a link to the UNH policy and a caution against retaliation as well as inform the parties of any provision in the university's policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. The notice of allegations will provide the respondent with sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The notice of allegations will inform the parties that they may have an advisor of their choice (who may be, but is not required to be, an attorney), and that they will be able to inspect and review evidence as provided in this Title IX process. The University will not limit the presence or choice of an advisor for either the complainant or respondent in any meeting or hearing except: 1) only one advisor and one support person may accompany a party; and 2) the advisor and support person may not participate in any way except as specifically permitted by policy or as required by law.

**Investigation and Investigative Report:**

After completion of any appeal of the determination of the formal complaint, the Director & Title IX Coordinator will appoint an investigator, who shall work under the direction of the Director & Title IX Coordinator to complete a thorough, prompt, and impartial investigation. The investigator will be trained in their responsibilities under Title IX and the sexual harassment policy, and be free from conflicts of interest or bias. The investigator will draft an investigative report and submit to Director & Title IX Coordinator who will review the evidence and draft, and provide notification to the complainant and respondent of availability of the report. Both parties will be given 10 days to submit a written response containing suggestions to make the report more accurate. Following this the investigator will prepare a final investigative report and submit it to the Director & Title IX Coordinator.

**Report of Policy Violation:**

The Director & Title IX Coordinator shall prepare a report of violation to be used to guide the parties to prepare for the hearing and to assist the decision-maker to understand the evidence presented at the hearing. The report of violation shall provide fair notice of the alleged facts and shall specify the provisions of UNH's sexual harassment policy or other UNH or USNH policy that are alleged to have been violated. The report of violation, together with a copy of the final investigative report, shall be conveyed to the parties at least 10 days before the hearing. The statement will state that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing process.

**Permissive Dismissal:**

UNH may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

- a. A complainant notifies the Director & Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- b. The respondent is no longer enrolled or employed by UNH; or
- c. Specific circumstances prevent UNH from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

**Hearing Process:**

UNH will provide for a live hearing with the decision-maker to adjudicate policy violations involving sexual harassment as provided by Title IX. The decision-maker will be free of conflicts of interest or bias. Such violations shall be decided as other offenses under this policy, subject to the following adjustments.

- a. The Director & Title IX Coordinator will assign an advisor, free of charge, to both parties, although either party may at their own cost select a different advisor of their choice. Each advisor shall be aligned with one party and responsible for advising that party on preparing for the hearing, reviewing evidence, and conducting cross examination. Legal counsel shall provide 24-hour notice to the Director & Title IX Coordinator that counsel will be present at any hearing or meeting.
- b. The decision-maker will have been trained in their responsibilities under Title IX and the sexual harassment policy. The decision-maker will not be the same person as the Director & Title IX Coordinator or investigator.
- c. The decision-maker will have an advisor to assist them to rule on the admissibility of evidence.
- d. The complainant and the respondent have a right to have an advisor present at any meeting or hearing and to have access to appropriate advice about the hearing process. The parties must speak on their own behalf at hearings, except that only advisors (and not the parties themselves) may conduct cross examination of witnesses and the other party.
- e. The Director & Title IX Coordinator and the decision-maker shall assure that the complainant and respondent have the opportunity to present witnesses and argument, either in writing or person as required, to reach a fair and accurate determination of the matter.
- f. The Director & Title IX Coordinator may conduct preliminary meetings separately with the complainant and respondent.
- g. The decision-maker will issue a written determination regarding responsibility. The Director & Title IX Coordinator will provide the written determination to the parties, simultaneously. The determination regarding responsibility becomes final either on the date that UNH provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

**Appeal:**

Either party may appeal. 1) A decision by the Director & Title IX Coordinator to dismiss a Title IX complaint under the formal complaint or permissive dismissal; or 2) a responsibility determination by the decision-maker. Parties have ten (10) working days in which to file such an



appeal. Both parties will have ten (10) working days following receipt of notice of appeal in which to submit a written statement in support of, or challenging, the outcome. Subject to good cause appeals will be decided within twenty (20) working days thereafter.

- a. The Director & Title IX Coordinator will notify both parties in writing when an appeal is filed and implement appeal procedures equally for both parties.
- b. The decision-maker(s) for the appeal may not be the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Director & Title IX Coordinator. The Director & Title IX Coordinator will provide the written decision simultaneously to both parties.
- c. Basis for Appeal: an appeal can only be based on one or more of the following purposes:
  - a. Procedural error: to determine whether the original hearing was conducted in conformity with the procedures contained in the sexual harassment policy.
  - b. Newly available evidence: To consider whether there is new evidence, sufficient to alter a decision, provided, however, that the evidence was not reasonably known to the person appealing at the time of the original hearing.
  - c. Legal Error: to determine whether there was bias, conflict of interest or other legal error in the investigative or adjudicative process that a court would likely recognize as requiring a new hearing.

#### **Informal Resolutions of Sexual Harassment Allegations:**

Informal resolution cannot be utilized when a student alleges sexual harassment by an employee. UNH may not offer an informal resolution process unless a formal complaint is file. Subject to these limitations, at any time prior to reaching a determination regarding responsibility the Director & Title IX Coordinator may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that UNH

1. Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations (provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint); and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
2. Obtains the parties' voluntary, written consent to the informal resolution process.

#### **Time Frames for Resolution:**

Any formal complaint will be investigated and adjudicated in a reasonably prompt time, generally 180 working days. Informal resolutions must be concluded in the same time frame as would apply to investigation and adjudication of a formal complaint.

## Student Conduct Resolution Procedures

### Report and Disclosure:

1. Subject to special provisions for Title IX matters, any member of the University community may file a Report of Violation against any student for misconduct on a form prescribed by the Office of Community Standards.
  - a. The Report of Violation will contain the following information about the alleged violation; the date, location, nature of the incident, a citation to the conduct code and recommended sanction(s).
  - b. A single Report of Violation may report multiple violations of this code arising from a single incident or course of conduct.
  - c. The Report of Violation shall be filed electronically with Community Standards upon completion.
  - d. The complainant shall transmit a copy of the Report of Violation in electronic form to the respondent upon filing it with Community Standards.
  - e. The person filing the Report of Violation shall be referred to as the complainant. A Student may file a Report of Violation or be a co-complainant with another member of the University Community. The student responding to the Report of Violation shall be referred to as the respondent.
  - f. Complainants are encouraged to file charges as soon as possible after the alleged incident to ensure witness and evidence availability. Any charges submitted later than twelve (12) months after the occurrence of the alleged incident and the discovery of the identity of the student(s) involved are subject to dismissal for good cause shown.
2. The Report of Violation shall contain a notice describing the available resolution procedures that apply to the conduct charges listed in the report and means for the respondent to notify Community Standards whether the charges are disputed.
  - a. Community Standards shall provide the respondent with appropriate information and resources to educate the student on the conduct resolution process and how to decide whether to contest the report of violation.

The respondent shall notify Community Standards by email within two business days of receiving the notice whether the charges are disputed or not disputed. If no response is sent within two business days, the charges shall be treated as not disputed.
3. Effect of a Pending Report of Violation:
  - a. A respondent who is ineligible to register for or attend classes at any one USNH institutions because of a pending student disciplinary charge shall be ineligible to register for or attend classes at any other USNH institution for as long as the charge remains pending.
  - b. If a respondent has withdrawn or withdraws after the filing of such charges either (1) a “hold” will be placed on the responding student’s academic record and the student notified that disciplinary action may be initiated upon the responding student’s application for readmission, or (2) the University may proceed to resolve the disciplinary action.

**Resolution Process: Level III Sanctions:**

1. In cases under this Student Code of Conduct, where the maximum sanction for a Report of Violation may include eviction, suspension, or dismissal, and subject to the special provisions for ART.VD below, a hearing shall be held before a hearing panel if the respondent requests one. In addition, a student may request a hearing before a hearing panel for any Report of Violations containing one or more of the following charges:
  - a. Misconduct that caused physical harm to others
  - b. Misconduct that jeopardized the safety and/or well-being of others.
  - c. Misconduct that caused an adverse impact to the residential or University Community.
  - d. Misconduct that caused serious damage to University property or the property of others.
  - e. Misconduct that violates conditions of probation or indicated repeated violations.
  - f. Misconduct that involves hosting a gathering where prohibited drinking has occurred or there are common sources.
  - g. Misconduct that is a violation of the University Drug Policy.
  - h. Misconduct that harms others because of their particular race, religion, sex, gender, gender identity, or expression, sexual orientation or other category protected by law of university policy.
  - i. Sexual misconduct.
  - j. Any Report of Violation that becomes the second or third offense for a Three Strikes charge.
  - k. Any Report of Violation where a student is the complainant.
  
2. In cases where a hearing may be required the complainant and respondent shall hold a preliminary meeting, not less than two (2) and not more than seven (7) business days from the date the respondent received the Report of Violation. Preliminary meetings shall be conducted by the complainant except in cases where a student is the complainant. The agenda for the preliminary meeting shall include:
  - a. The respondent may agree to resolve the charge(s) at the preliminary hearing by accepting responsibility and the recommended sanction(s). If the matter is resolved, the complainant shall report the resolution in a manner prescribed by Community Standards. The Director shall review the proposed resolution to determine that it is consistent with the charges and sanctions in similar cases.
  - b. If the respondent does not accept responsibility or the recommended sanction for all charges, the matter will be scheduled for a hearing. At the preliminary the parties shall:
    - i. Discuss the violations identified in the report of violation, the hearing process, the proposed sanctions and respondent's and complainant's rights in the hearing process.
    - ii. Identify agreed facts, charges or sanctions to save time at the hearing.
    - iii. Identify disputed facts, charges, sanctions or legal issues to focus each party's presentation at the hearing.
    - iv. Review information provided by Community Standards regarding the hearing process.

- v. The complainant shall report the resolution of the meeting in a manner prescribed by Community Standards.
- 3. In cases where a hearing is requested Community Standards shall transmit to the respondent and the complainant a notice listing all contested issues identified at the preliminary meeting and setting the date, time and place for a hearing. The hearing shall be held not less than three (3) not more than ten (10) calendar days after the date of notice issued by Community Standards. The respondent may waive the three day notice.
- 4. No less than one (1) business day before the hearing the parties shall:
  - a. Exchange copies of all documents, reports, photographs and written testimony that the hearing panel will consider.
  - b. Exchange witness lists.
  - c. Identify and present all requests for special accommodations or for preliminary rulings.
- 5. Hearings shall be conducted by a Hearing Panel.
  - a. Hearing panels shall be composed of
    - i. Two members drawn from faculty and staff communities and,
    - ii. A student.
  - b. The complainant and the respondent shall have 10 minutes to present oral testimony and to summarize arguments in their favor, subject to the right of members of the Hearing Panel to ask questions. Questions asked by the Hearing Panel shall not be counted as part of the 10 minutes given to each party. All witnesses, and parties to the hearing shall sign an honesty oath. All persons present at the hearing shall sign a confidentiality statement, except for employees of Community Standards.
  - c. Hearings normally shall be conducted in private. At the written request for either the respondent or the complainant, if the complainant is a student, a non-participating student advisor, parent or support person may be present if, in the discretion of the Hearing Panel, presence would not violate the rights of a third party, intimidate any person or threaten to disrupt the proceeding. The admission of non-participating persons shall be revoked by the Director or the Chairperson of the Hearing Panel at any time if it is found that the non-participating person has violated any instruction of the Director or Chairperson at any time during the hearing.
  - d. In matters where there is more than one respondent arising from the same incident, the Hearing Panel Chairperson, or Director, at their discretion, may order hearings concerning each student to be conducted jointly, or separately. Respondents may request that hearings be conducted separately. Where hearings be conducted jointly, the Hearing Panel Chairperson may adjust the time periods for each party present oral testimony.
  - e. When the complainant and/or the respondent are students, they have the right to be assisted by a student advisor. The complainant and/or the respondent are responsible for presenting their own cases. The primary role of a student advisor by Community Standards is to offer guidance to respondents (and complainants if they are students) before, during, and after a hearing. The student advisor does not represent a respondent at any point during the hearing process.

- f. When criminal charges are pending or may be filed in connection with the incident described in the Report of Violation, the respondent may have an attorney present to advise the respondent. The attorney shall not participate in the hearing.
- g. Formal rules of evidence do not apply to conduct hearings. The presiding officer shall strive to control the testimony presented at each hearing to reach accurate, prompt and fair findings. Hearsay is admissible if the Hearing Panel Chairperson finds that it is generally reliable, but any party may present reasons that admitted hearsay evidence is or is not sufficiently reliable to be the basis for a finding of responsibility. Character witnesses and testimony regarding any student's good or bad character is irrelevant and will be excluded. The Hearing Panel Chairperson may exclude unduly repetitious, irrelevant or character evidence.
- h. All procedural questions at the hearing are subject to the final decisions of the Hearing Panel Chairperson, who may confer at any time with the Director of procedural advice.
- i. If a complainant or respondent chooses not to attend a hearing, the matter may be heard and the student will be accountable for any decision made by the Hearing Panel, which will determine responsibility and assign sanctions as described in section IV.D. No respondent may be found to have violated the Student Code of Conduct solely because the student failed to appear before a judicial body. In all cases, the evidence in support of the charges shall be presented and considered.
- j. Adjudicatory Standard - The Hearing Panel will determine whether the respondent is "responsible" or "not responsible" for the Report of Violation. The respondent will be presumed "not responsible" until determined otherwise by a preponderance of evidence. A preponderance of evidence is reached when a majority of the members of the Hearing Panel determines that it is more likely than not that the respondent violated the Student Code of Conduct as stated in the Report of Violation. The Hearing Panel may also impose sanctions according to the procedures in section IV.D.
- k. The Hearing Panel shall base its finding(s) of responsibility solely on the oral and written evidence and argument presented at the hearing. The Hearing Panel, however, in its discretion, may give notice to the parties at the hearing that the evidence presented forms the basis for a finding of responsibility of a different violation of the Code than stated in the Report of Violation.
- l. Hearings occurring at the end of an academic semester, including, but not limited to reading days and final exams, and during the summer, and over winter break, may be assigned to a single Hearing Officer.
- m. There shall be a single verbatim record, such as an audio or video recording, of all hearings. The record shall be the property of the Community Standards and the University and if it is available, the Hearing Panel may consult the record during its deliberations. Unless ordered by the Director, recordings shall be destroyed after the appeal process has concluded.
- n. Selection and Training: The Director shall select persons qualified to participate on Hearing Panels. Persons selected to participate on Hearing Panels shall receive training from Community Standards.
- o. If the respondent is a graduate student, the Hearing Panel shall include a student from the Graduate School.
- p. The Hearing Panel shall submit its findings and sanctions in a manner prescribed by Community Standards.

6. Hearing Decision: Upon completing the hearing, the Hearing Panel shall submit a Hearing Decision to the Director. The Hearing Decision shall include
  - a. The Hearing Panel's finding whether the respondent is responsible for each violation of the Code contained in the Report of Violation.
  - b. A concise written summary of its findings of fact, and the reason(s) for them.
  - c. Its sanction(s) and the reason(s) for them. The Hearing Panel may request up to 48 hours after the hearing to submit sanctions and supporting rationale.
  - d. Within 24 hours of receiving the Hearing Decision, the Director shall review it and determine whether the findings and sanctions are consistent with the Code and sanction guidelines. It shall be approved if it is consistent and remanded to the Hearing Panel for additional consideration if it is not.
  - e. The Hearing Decision becomes final upon the Director's approval and shall be transmitted electronically to the parties within one (1) business day.
7. Time limits for scheduling of meetings and hearings may be extended at the discretion of the Director.

### **Sanctions:**

1. In recommending and imposing sanctions, complainants and Hearing Panels shall consider the list of sanction guidelines developed by the Director and may also consider the student's present demeanor and past disciplinary record, arrest and criminal record, the nature of the offense, the severity of any damage, injury, or harm resulting therefrom, and other factors. In formulating a sanction, complainants and Hearing Panel shall consider the educational and developmental goals for the respondent as well as the needs of the community.
2. The Director shall establish a list of sanction guidelines to be used in cases where students are found responsible for a violation of the Code.
3. The Director shall review all sanctions imposed and affirm them unless the Director finds that the sanction imposed is disproportionate, either too lenient or too harsh, to other similarly situated responding students, victims and conduct cases. If the Director finds that the sanction imposed is disproportionate, the Director shall send it back to the panel.
4. Every sanction imposed under this Code shall carry a warning that repeat offenses may subject the student to mandatory discipline under the Three Strikes policy.
5. The following sanctions may be imposed upon any respondent found to have violated the Student Code of Conduct:
6. All sexual harassment /Title IX violations will be sanctioned under Level III.

#### **Level III Sanctions:**

- i. In order to consider imposing one of the following sanctions, the Hearing Panel shall find that one or more of the following conditions is present:
  - (a) Misconduct that caused physical harm to others.
  - (b) Misconduct that jeopardized the safety and/or well-being of others.
  - (c) Misconduct that caused an adverse impact to the residential or University community.
  - (d) Misconduct that caused serious damage to University property or to the property of others.
  - (e) Misconduct that violates conditions of probation or indicates repeated violations.
  - (f) Misconduct that harms others because of their particular race, color, religion, sex, age,



national origin, sexual orientation, gender identity or expression, disability, veteran status, or marital status.

- (g) Misconduct that involves hosting a gathering where prohibited drinking has occurred/common sources.
- (h) Misconduct that is a violation of the University drug policy.
- ii. Eviction from University housing—Separation of the respondent from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- iii. Expulsion from University housing—permanent separation of the respondent from the residence halls.
- iv. University Suspension—Separation of the respondent from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students are banned from campus for the duration of their suspension. Readmission to the University requires application and acceptance through the Office of Admissions. A respondent ineligible to register for or attend classes at any one USNH institution because of suspension entered upon a finding(s) of responsibility for violation(s) of the institution's Student Code of Conduct shall be ineligible to register for or attend classes at any other USNH institution during the entire period of suspension. Students on suspension for any reason will not earn transfer credit for courses taken while on suspension. The Director and Dean of Students, in collaboration with the Registrar, will authorize the conferral of degree at the end of a period of suspension upon students who have completed their coursework and would graduate during a period of suspension.
- v. University Dismissal—Permanent separation of the respondent from the University. Students may conduct administrative business on campus with prior notice to University Police. A respondent ineligible to register for or attend classes at any one USNH institution because of permanent dismissal entered upon a finding(s) of responsibility for violation(s) of the institution's student code of conduct shall be ineligible to register for or attend classes at any other USNH institution for a period of two (2) years following the date on which the student was permanently dismissed.

**2.** More than one of the sanctions listed above may be imposed for any single violation. Lower level sanctions may be imposed for violations where higher-level sanctions are also available. Higher-level sanctions may not be imposed for violations where they are not available under the sanction guidelines.

**3.** The minimum sanction for those found responsible for sexual misconduct that includes either sexual contact or sexual penetration is presumed to be suspension for one year or longer, consistent with community safety, the safety of the impacted student, and the ability of the impacted student to progress toward degree, when any one or more of the following aggravating factors are found:

- 1. Sexual contact or penetration when another person is incapacitated due to mental/physical disability and/or substance ingestion.
- 2. Force, violence, threat, coercion or a weapon was used against the survivor/victim of the assault before during or after sexual contact or penetration.
- 3. The respondent has been found responsible for committing any previous instance of sexual misconduct by contact or penetration, whether or not it was committed against the same survivor/victim and whether or not the previous instance was at the University, another institution of secondary or post-secondary education or by a court.
- 4. The complainant provides notice in the Report of Violation and the evidence at the hearing

demonstrates by a preponderance of the evidence that the circumstances of the misconduct establish that community safety requires suspension.

4. When a respondent has been found responsible for a violation of the Code and the Hearing Panel finds by a preponderance of the evidence facts demonstrating that the respondent has directed the offending behavior towards any person because of that person's actual or perceived race, color, religion, sex, age, national origin, sexual orientation, gender identity or expression, disability, veteran status, or marital status, the Hearing Panel may impose enhanced sanctions.
5. Collateral consequences of a record of conduct sanction may include, but are not limited to, ineligibility to study abroad, participate in intercollegiate athletics, and participate in University employment or programs and loss of scholarships.
6. If any respondent fails to comply with any final sanction imposed under this Code, the respondent may be further sanctioned with the University upon notice, and proof by a preponderance of the evidence that the respondent did not comply with the sanction. A hearing is required in cases where a student is facing a Level III sanction under this subparagraph.

7. The respondent or the complainant(s) may appeal a final Hearing Decision by submitting a Request for Appeal electronically within two (2) business days of receiving the final Hearing Decision.

## **Appeal**

Basis for Appeal: An appeal can be based on one or more of the following purposes:

1. Procedural Error: To determine whether the original hearing was conducted in conformity with the procedures contained in this Code.
2. Sufficiency of Evidence: To determine whether the findings in the Hearing Decision established (or not) the charged violations in the Report of Violation by a preponderance of the evidence.
3. Sanction: Subject to the limitations in section IV.B above, to determine whether the sanction(s) imposed in the final Hearing Decision was appropriate. The Appellate Officer shall not increase the sanction(s) imposed by a Hearing Panel or Hearing Officer, unless no sanction was imposed.
4. Newly Available Evidence: To consider whether there is new evidence, sufficient to alter a decision, provided, however, that the evidence was not known to the person appealing at the time of the original hearing
5. Legal error: To determine whether there was bias, conflict of interest or other legal error in the investigative or adjudicative process that a court would likely recognize as requiring a new hearing.

Appeal Decision: The Appellate Officer shall consider the written evidence and the verbatim record of the hearing and any new evidence submitted to support a claim of newly available evidence. The Appellate Officer shall determine whether there is clear and convincing evidence to overturn the original finding(s) and/or sanction(s). The Appellate Officer shall prepare an Appeal Decision for the purpose of recording a decision and may provide a concise statement of the basis for the determination that the review standard is met or not.

1. If the Appellate Officer finds that there was a procedural error under Art. IV.F.2, a legal error under Art. IV.F.2.e or newly available evidence under Art. IV.F.2.d, the case shall be remanded to the original Hearing Panel to reopen the hearing.

2. If the Appellate Officer finds that the sanction was not appropriate under Art. IV.F.2.c, the Appellate Officer shall order the appropriate sanction, applying the standard found in section IV.D.
3. If the Appellate Officer finds insufficient evidence to support a finding of responsibility or finds sufficient evidence to overturn a finding of no responsibility, the Appellate Officer shall make the appropriate determination and, as applicable, impose a proper sanction, applying the standard found in section IV.D.

If a respondent is not found responsible for a violation of the Code, and the finding is upheld by the Appellate Officer, the respondent may not be charged again for the same violation arising from the same incident unless there is new evidence. The University or appropriate administrators, however, may address climate issues arising from the case.

## **Article V: Special Provisions**

### **Rights in the Conduct Process:**

1. Respondents' and Organizations' Rights: Students and organizations who are charged with alleged violations of any University rules on a Report of Violation have the following rights:
  - a. Fair notice of charges, including time and place of the alleged violation so that the respondent or organization understands the charges.
  - b. At least three (3) calendar days' notice before a contested hearing and the time and place of the hearing.
  - c. Knowledge of the name(s) of the complainant(s).
  - d. A hearing, under the circumstances described in this Code, if the situation is not otherwise resolved at the preliminary meeting.
  - e. The opportunity to have the assistance of a trained student advisor in preparing for a hearing and during a hearing as defined by conduct system policies.
  - f. The opportunity to appeal a decision of a Hearing Panel as described in this Code.
  - g. Notice of the results of hearings and reviews.
  - h. Resolution of conduct charges in accordance with this Code and principles of Due Process.
  - i. To be assumed not responsible until a complainant has demonstrated, by a preponderance of the evidence, that the respondent violated the Code.
  - j. Right to remain silent: A student or student organization against whom a Report of Violation has been made may choose not to testify at a hearing. This choice shall neither preclude the right to present witnesses and evidence, nor shall it be treated as an admission of responsibility.
  - k. The right to legal counsel if criminal charges are pending or likely, subject to the rules in this Code prescribing the scope of attorneys' involvement in hearings.
2. Fair treatment: Responding students and responding organizations are members of the University community and have the right to be treated with courtesy and respect by complainants, members of Hearing Panels, Appellate Officers and members of Community Standards.
3. Complainant's Rights. The person reporting a violation of University rules has the following rights:
  - a. A hearing under the circumstances described in this Code, if the Report of Violation is

- contested or is not resolved by the processes provided in the Code.
- b. At least three (3) calendar days' notice of the time and place of a formal hearing in order to prepare for that hearing.
- c. The advice of an advisor chosen from the pool of trained student advisors in preparing for a hearing when the complainant is a student.
- d. The opportunity to appeal under the circumstances described in this Code.
- e. Notice of results of formal hearings and reviews.
- f. Fair treatment: Complainants are members of the University community and have the right to be treated with courtesy and respect by responding students, responding organizations, members of Hearing Panels, Appellate Officers and members of Community Standards

### **Procedures for Responding to Sexual Violence, Sexual Harassment and Related Offenses:**

1. Scope: these procedures shall apply to reports of violations of this Code by a student, where the reported violation states a colorable claim of sexual harassment, sexual misconduct, unwanted sexual contact, and stalking or relationship abuse.
2. Protocols: The Director will establish public protocols to guide Community Standards as it implements these procedures. The protocols will include rules of decorum and rules of evidence for hearings.
3. Report and Disclosure: Any member of the University community and any person may report or disclose incidents of sexual violence to a student at any time in person, by mail, by telephone, or by electronic mail. The report or disclosure may be made to Community Standards or to the Title IX Coordinator. Community Standards shall convey a copy of any report or disclosure that it receives directly to the Director & Title IX Coordinator.
4. Outreach: When Community Standards receives a report or disclosure of sexual violence to a student it will offer information to the student about the student's rights to make a formal complaint for a violation of the Code, to initiate other proceedings, to receive supportive services and to participate in an intake.
5. Intake: a member of the Community Standards' staff shall conduct an interview of the student reporting a Title IX violation to determine if the student chooses to make a formal complaint and to offer University support services.
  - a. When a person reporting a Title IX violation has previously provided a general outline of the violation to another office or agency subject to a right of confidentiality, the person may consent to the release of the earlier statement to Community Standards.
  - b. Notifications: When Community Standards conducts an intake, it shall notify the Director & Title IX Coordinator, the Dean of Students, other administrators, and UNH police as required or authorized.
6. Formal complaint: The formal complaint is a document filed and signed by the complainant (physical or digital signature, or signed by Director & Title IX Coordinator) alleging sexual harassment against a respondent and requests the institution investigate the allegations of sexual harassment.
  - a. Resolution of formal complaint: The process to resolve the formal complaint will begin upon receipt of a formal complaint and conclude upon the issuance of a

written determination of the alleged misconduct. This process will be completed as soon as practicable but no more than 180 days after the receipt of a formal complaint. Deviations from this time frame will be made on a case-by-case basis and supported by good cause. Parties will be notified in writing regarding the length of time and justification for any such delays.

- b. A copy of the formal complaint will be forwarded to the Director & Title IX Coordinator.
  - c. Review of formal complaint: the Director & Title IX coordinator will review the formal complaint to determine whether the conduct alleged would constitute sexual harassment as defined in 34 C.F.R. §106.30. If the alleged conduct meets those requirements, it shall be processed as provided in Art. V.D of this Code. If the conduct does not constitute sexual harassment under that regulation, but otherwise alleges unwanted sexual contact, sexual misconduct or sexual harassment under this Code the complaint will be processed as provided in Art. V.D of this Code.
  - d. The Director & Title IX Coordinator will notify the complainant of the results of the review. Either party may appeal the finding that the conduct alleged does not meet the requirements of 34 C.F.R §1064.30
7. Appointment of Independent Investigator and University complainant: after completing the intake, the Director will appoint an independent investigator and notify the Director & Title IX Coordinator and the Dean of Students.
8. Notice of allegations and complaint: the Director will send a notice of allegations and the formal complaint to the complainant and to the responding student(s). The notice to both parties will state that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing process, notice of their right to an advisor of choice, a summary of available resources, the contact information for the Director & Title IX Coordinator, a link to this Code and a caution against retaliation.
9. Investigation: The independent investigator shall work under the direction of the Director of Community Standards to complete a thorough, prompt and impartial investigation
  - a. The Director and investigator shall provide status reports to the Director & Title IX Coordinator and Dean of Students periodically and upon request.
  - b. In cases where there is/are parallel criminal and administrative investigations the Director and investigator shall cooperate with law enforcement to preserve the integrity of both investigations while striving to complete a prompt, thorough and fair investigation of the matter.
10. Amnesty: Students who participate in an investigation related to a report of sexual violence generally are not subject to a conduct complaint for lesser drug, alcohol, or COVID-19 violations immediately before and during the incident giving rise to the report, unless the lesser violation is directly related to the facilitation of the offense. Students may be held responsible for subsequent conduct violations of any nature. If students are involved in repeated violations or more serious violations, they may be subject to a conduct complaint.
11. Investigative Report: The investigator shall prepare a written report of the investigation that fairly summarizes relevant evidence.

- a. The report shall summarize the agreed upon and disputed facts.
  - b. The investigator shall provide an initial draft of the report to the Director, who shall review the report for thoroughness and fairness. This draft shall be treated as a confidential document, subject to the governmental decision maker and other available legal privileges
  - c. The Director shall provide a comment draft of the report to both the reporting and responding persons, and at the same time provide both parties with access to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, providing them both with ten days to submit a written response containing suggestions to make the report more accurate. The investigator shall consider the written response(s) but is not required to accept any proposed change from either party.
  - d. The investigator shall prepare a final investigative report and submit it to the Director. The Director shall convey the final report to the parties, their advisors, the Director & Title IX Coordinator and the Dean of Students.
12. Report of Violation: The Director shall assist the complainant to prepare a report of violation to be used to guide the parties to prepare for the hearing and to assist the hearing panel to understand the evidence presented at the hearing.
- a. The Report of Violation shall provide fair notice of the alleged facts and shall specify the provisions of this Code that are alleged to have been violated.
  - b. The Report of Violation, together with a copy of the final investigative report, shall be conveyed to the respondent at least 10 days before the hearing and to the hearing panel members at least 2 days before the hearing.
  - c. The Report of Violation will state that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing process.
  - d. Limitations period: Individuals are encouraged to report sexual harassment, sexual misconduct, relationship abuse, or stalking as soon as possible after the incident occurs to maximize the University's ability to respond promptly and effectively. Prompt reporting allows the University to obtain the most reliable information, be able to contact relevant witnesses (if any), and provide reasonable assistance and interim measures for affected parties. The University does not limit the time for reporting these incidents or filing a Report of Violation, however, and in all cases, a decision will be made on existing facts to determine if an investigation and conduct proceedings are necessary to comply with the law and to serve the University community.
13. Informal resolution: the parties may request that the University facilitate informal resolution processes, such as mediation or restorative justice, after giving informed, written consent. Informal resolution may present a way to resolve sexual harassment allegations in a less adversarial manner than the investigation and adjudication procedures contained in Art. VI.D. Informal resolution may only be requested after a formal complaint has been filed, so that the parties understand what the grievance process entails and can decide whether to voluntarily attempt informal resolution as an alternative.
14. Hearing:



- a. The Director shall assign an advisor to both parties. Each advisor shall be aligned with one party and responsible for advising that party on preparing for the hearing, reviewing evidence and conducting cross-examination.
  - b. The parties will have the right to inspect and review evidence collected during the investigation in advance of the hearing.
  - c. The hearing panel will consist of three persons free of conflicts of interest and who have been trained in their responsibilities under the law and under this Code.
  - d. The hearing panel will have an advisor to assist it to rule on the admissibility of evidence.
15. Adjustments in the Hearing Process: Proceedings on Reports of Violation involving sexual violence shall be processed as provided for other reports of violation under this Code, subject to the following adjustments:
- a. The complainant and the respondent have a right to have a support person and an advisor of choice present at any meeting or hearing. Neither party is required to request permission for the presence of an advisor or support person. Advisors may conduct cross examination, but support persons may not represent or speak on behalf of either party in any meeting or proceeding. Advisors and support persons will be subject to rules of decorum adopted by the Director.
  - b. The hearing panel, complainant and respondent have a right to have legal counsel present at any meeting or hearing. Legal counsel shall provide the Director 24 hours' notice that counsel will be present at any hearing or meeting. Legal counsel shall abide by the rules of decorum at every meeting or hearing and shall not disrupt any meeting or hearing.
  - c. The Director and the Hearing Panel shall assure that the complainant and respondent have the opportunity to present witnesses and argument, either in writing or in person as required, to reach a fair and accurate determination of the matter.
  - d. The Director or designee may conduct preliminary meetings separately with the complainant and respondent. The Director or designee may permit or require the parties to be in separate rooms or behind a screen during the hearing itself, provided, however, that the respondent's right of confrontation shall be given appropriate weight and protection in fashioning protections for the complainant.

### **Interim Restrictions:**

- 1. Prior to a hearing before a Hearing Panel or other body, the Director or Dean of Students may impose interim restrictions that can include limiting or denying access to University housing, to the campus, to classes, or to any other University activities or privileges. Examples include University suspension, eviction from University housing, and restriction of access to University events or facilities, and no-contact orders to prevent interaction between students. Interim restrictions for organizations may include ceasing all activities, meetings and/or events.
- 2. Interim restrictions are not intended to be punitive and may be imposed only if there is credible evidence to support the allegations against the student, the alleged conduct is sufficiently serious to warrant the restrictions and the restrictions are reasonably necessary to:

- a. Protect the physical or emotional safety and well-being of members of the University community (including reporting students or respondents);
  - b. Preserve University or private property;
  - c. Protect the University community from a substantial risk of disruption to or interference with the normal operations of the University.
3. Whether alleged conduct is sufficiently serious to warrant a particular restriction depends on several factors, including the following:
  - a. The likelihood that harm will occur;
  - b. The severity of the potential harm;
  - c. The severity of the restriction on the student;
  - d. Whether there is particularly strong evidence to support the allegations.
4. Interim restrictions are effective immediately, with no prior notice to the student.
5. At the time of imposing the interim restrictions, the Director or Dean of Students will address, as needed, the student's immediate needs for shelter and safety.
6. The University will provide the student, in person or electronically, a written notice containing (1) a description of each restriction; (2) a summary of the facts on which the restrictions are based; (3) the rationale for imposing the restrictions.
7. The student has the right to meet with the Director in person or by phone, within 24-48 hours of receiving the written notice. The student may request that the restrictions be eliminated or modified and may provide information and evidence to support the request. The Director will review the request and the information provided, will determine whether to eliminate or modify any/all of the restrictions, and will provide the student with a written decision.
8. If the student still disagrees with the interim restrictions after receiving the decision of the Director, the student may appeal to an Appellate Officer.
  - a. The student has the right to meet with an Appellate Officer as soon as practicable, but within 5 business days of making the request.
  - b. The appeal request should be in writing and must be delivered to Community Standards or the Director in person or by email.
  - c. The Appellate Officer may eliminate or modify any restriction only if they determine that:
    - i. It would be clear and convincing to a reasonable person that there is not credible evidence to support the restriction;
    - ii. It would be clear and convincing to a reasonable person that the alleged conduct is not sufficiently serious to warrant the restriction;
    - iii. It would be clear and convincing to a reasonable person that the restriction is not needed to protect the physical and emotional safety and well-being of members of the University community, to protect University or personal property, or to protect the University community from a substantial risk of disruption to or interference with the normal operations of the University community.
  - d. The Appellate Officer that reviews the matter may be employed by units that report to the Dean of Students, but shall at all times act independently.
9. A student has the right, every 10 days, to request that the Director modify or eliminate the restrictions, and the student also has a right to appeal the Director's decision.

10. A student suspended on an interim basis shall have a right to pro rata refund of tuition and fees paid, on the same basis as a student who has withdrawn, for the duration of the suspension.
11. The Director or Dean of Students will notify the Associate Dean of the Student's College in the event an interim restriction limits the student's ability to satisfy academic requirements.

## State of New Hampshire Crime Statutes and Definitions

The Clery Act and Violence against Women Act mandate that UNH provide domestic violence, dating violence, sexual assault and stalking definitions applicable in its jurisdictions. New Hampshire statutes recognize that sexual assault, domestic violence and stalking are serious criminal offenses. It is important for all members of the UNH community to understand how these offenses are defined in law and to be aware of the penalties. Excerpted below are the definitions and penalties of sexual assault, domestic/dating violence and stalking. Also included is the definition of consent. The State of New Hampshire does not define or recognize dating violence as a separate crime. It is found under the domestic violence statute.

### **Domestic Violence:**

The state of NH defines domestic violence as follows: a person is guilty of domestic violence if the person commits any of the following against a family or household member or intimate partner:

- (a) Purposely or knowingly causes bodily injury or unprivileged physical contact against another by use of physical force;
- (b) Recklessly causes bodily injury to another person by use of physical force;
- (c) Negligently causes bodily injury to another by means of a deadly weapon;
- (d) Uses or attempts to use physical force, or by physical conduct threatens to use a deadly weapon for the purpose of placing another in fear of imminent bodily injury;
- (e) Threatens to use a deadly weapon against another person for the purpose of terrorizing that person;
- (f) Coerces or forces another to submit to sexual contact by using physical force or physical violence;
- (g) Threatens to use physical force or physical violence to cause another to submit to sexual contact and the victim believes the actor has the present ability to execute the threat;
- (h) Threatens to use a deadly weapon to cause another to submit to sexual contact and the victim believes the actor has the present ability to carry out the threat;
- (i) Confines another unlawfully as defined in RSA 633:2, by means of physical force or the threatened use of a deadly weapon, so as to interfere substantially with his or her physical movement;
- (j) Knowingly violates a term of a protective order issued pursuant to RSA 173-B:4, by means of the use or attempted use of physical force or the threatened use of a deadly weapon;

(k) uses a physical force or the threatened use of a deadly weapon against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with the report of any criminal offense, bodily injury, or property damage to a law enforcement agency or a request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider.

For purpose of this section "family or household member" means: the actor's spouse or former spouse, a person with whom the actor is cohabitating as a spouse, parent, or guardian; a person with whom the actor cohabited as a spouse, parent or guardian but no longer shares the same residence; an adult with whom the actor is related by blood or marriage; or a person with whom the actor shares a child in commons. Intimate partner means a person with whom the actor is currently or was formerly involved in a romantic relationship, regardless of whether or not the relationship was sexually consummated.

### **Dating Violence:**

The state of (NH) does not have a definition of dating violence.

### **Sexual Assault:**

The state of New Hampshire defines sexual assault as follows:

#### **Aggravated felonious sexual assault:**

A person is guilty of the felony of aggravated felonious sexual assault if such person engages in sexual penetration with another person under any of the following circumstances:

- (a) When the actor overcomes the victim through the actual application of physical force, physical violence or superior physical strength;
- (b) When the victim is physically helpless to resist;
- (c) When the actor coerces the victim to submit by threatening to use physical violence or superior physical strength on the victim, and the victim believes that the actor has the present ability to execute these threats;
- (d) When the actor coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim believes that the actor has the ability to execute these threats in the future;
- (e) When the victim submits under circumstances involving false imprisonment, kidnapping, or extortion;
- (f) When the actor, without the prior knowledge or consent of the victim, administers or has knowledge of another person administering to the victim any intoxicating substance which mentally incapacitates the victim;
- (g) When the actor provides therapy, medical treatment or examination of the victim and in the course of that therapeutic or treating relationship or within one year of termination of that therapeutic or treating relationship;
  - (1) Acts in a manner or for purposes which are not professionally recognized as ethical or acceptable; or
  - (2) Uses this position as such provider to coerce the victim to submit;

- (h) When, except as between legally married spouses, the victim has a disability that renders him or her incapable of freely arriving at an independent choice as to whether or not to engage in sexual conduct, and the actor knows or has reason to know that the victim has such a disability;
- (i) When the actor through concealment or by the element of surprise is able to cause sexual penetration with the victim before the victim has an adequate chance to flee or resist;
- (j) When, except as between legally married spouses, the victim is 13 years of age or older and under 16 years of age and;
  - (1) The actor is a member of the same household as the victim; or
  - (2) The actor is related by blood or affinity to the victim.
- (k) When, except as between legally married spouses, the victim is 13 years of age or older and under 18 years of age and the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit.;
- (l) When the victim is less than 13 years of age;
- (m) When at the time of the sexual assault, the victim indicates by speech or conduct that there is not freely given consent to performance of the sexual act.
- (n) When the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit under any of the following circumstances;
  - (1) when the actor has direct supervisory, disciplinary, or other authority authorized by law over, or direct responsibility for maintaining detention of, the victim by virtue of the victim being detained or incarcerated in a correctional institution, this secure psychiatric unit, a juvenile detention facility, or any other setting in which the victim is not free to leave; or
  - (2) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation. Consent of the victim under any of the circumstances set forth in sub paragraph (n) shall not be considered a defense.

A person is guilty of aggravated felonious sexual assault without penetration when he intentionally touches whether directly, through clothing, or otherwise, the genitalia of a person under the age of 13 under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification.

A person is guilty of aggravated felonious sexual assault when such person engages in a pattern of sexual assault against another person, not the actor's legal spouse, who is less than 16 years of age. The mental state applicable to the underlying acts of sexual assault need not be shown with respect to the element of engaging in a pattern of sexual assault.

A person is guilty of aggravated felonious sexual assault when such person engages in sexual penetration as defined in RSA 632-A:1, V with another person under 18 years of age whom such person knows to be his or her ancestor, descendent, brother or sister of the whole or half blood, uncle, aunt, nephew, or niece. The relationships referred to herein include blood relationships without regard to legitimacy, step children, and relationships of parent and child by adoption.

(a) Upon proof that the victim and defendant were intimate partners or family or household members, as those terms are defined in RSA 631; 2-B, III, a conviction under this section shall be recorded as “aggravated felonious sexual assault- domestic violence.

(b) In addition to any other penalty authorized by law, the court shall levy a fine of \$50.00 for each conviction recorded as “aggravated felonious sexual assault- domestic violence” under this paragraph.

### **Felonious Sexual Assault;**

A person is guilty of a class B felony if such person;

I. subjects a person to sexual contact and causes serious personal injury to the victim under any of the circumstances named in RSA 632-A; 2, or

II. Engages in sexual penetration with a person, other than his legal spouse, who is 13 years of age or older and under 16 years of age with an age difference between the actor and the other person is four years or more; or

III. Engages in sexual contact with a person other than his legal spouse who is under 13 years of age.

IV.

(a) Engages in sexual contact with a person, or causes the person to engage in sexual contact on himself or herself in the presence of the actor, when the actor is in a position of authority over the person and uses that authority to coerce the victim to submit under any of the following circumstances;

(1) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed; or

(2) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.

(b) Consent of the victim under any of the circumstance set forth in this paragraph shall not be considered a defense.

(c) for the purpose of this paragraph, “sexual contact” means the intentional touching of the persons sexual or intimate parts, including genitalia, anus, breasts, and buttocks, where such contact, or the causing of such contact, can reasonably be construed as being for the purpose of sexual arousal or gratification of the person in the position of authority, or the humiliation of the person being touched.

V. (a) upon proof that the victim and defendant were intimate partners or family or household members, as those terms are defined in RSA 631;2-B, III, a conviction under this section shall be recorded as “felonious sexual assault-domestic violence.”

### **Sexual Assault:**

I. a person is guilty of a Class A misdemeanor under any of the following circumstances:

(a) When the actor subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A: 2.



(b) When the actor subjects another person, other than the actors legal spouse, who is 13 years of age or older and under 16 years of age to sexual contact where the age difference between the actor and the other person is 5 years or more.

(c) In the absence of any of the circumstances set forth in RSA 632-A: 2 when the actor engages in sexual penetration with a person, other than the actors legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and other person is 4 years or less.

II. A person found guilty under sub paragraph I(c) of this section shall not be required to register as a sexual offender under RSA 651-B.

III.

(a) a person is guilty of a misdemeanor if such person engages in sexual contact or sexual penetration with another person, or causes the person to engage in sexual contact on himself or herself in the presence of the actor, when the actor is in a position of authority over the person under any of the following circumstances:

(1) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed; or

(2) When the actor is a probation or parole officer or juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.

(b) Consent of the victim under any of the circumstances set forth in this paragraph shall not be considered a defense.

(c) for the purpose of this paragraph, “sexual contact” means the intentional touching of the persons sexual or intimate parts, including genitalia, anus, breasts, and buttocks, where such contact, or the causing of such contact, can reasonably be construed as being for the purpose of sexual arousal or gratification of the person in the position of authority, or the humiliation of the person being touched.

IV.

(a) Upon proof that the victim and defendant were intimate partners or family or household members, as those terms are defined in RSA 631:2-B, III, a conviction under this section shall be recorded as “sexual assault-domestic violence.”

### **Stalking:**

The state of (NH) defines stalking as follows:

I. A person commits the offense of stalking if such person:

(a) Purposely, knowingly, or recklessly engages in a course of conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal safety or the safety of a member of that person’s immediate family, and the person is actually placed in such fear.

(b) Purposely or knowingly engages in a course of conduct targeted at a specific individual, which the actor knows will place that individual in fear for his or her personal safety or the safety of a member of that individual’s immediate family; or

(c) After being served with, or otherwise provided notice of, a protective order pursuant to RSA 173-B, RSA 458:16, or paragraph III-a of this section, or an order pursuant to RSA 597:2 that prohibits contact with a specific individual, purposely, knowingly, or

recklessly engages in a single act or conduct that both violates the provisions of the order and is listed in paragraph II (a).

II. (a) “Course of conduct” means 2 or more acts over a period of time, however short, which evidences a continuity of purpose. A course of conduct shall not include constitutionally protected activity, nor shall it include conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person.

New Hampshire Law RSA 632-A: 2 describes the circumstances where sexual activity is not considered consensual. The safest, least ambiguous way to seek and receive consent is to use words. If you want consent, ask verbally and require a verbal answer. Do not rely on gestures, facial expressions, or vague/non-specific verbal answers. There should be mutual agreement based on shared desire for specific sexual activities and mutual discussion and awareness of the possible consequences for sexual activity. Remaining open, respectful, and accepting of each partner’s expressing of agreement or disagreement to engage in sexual activity.

### **University of New Hampshire’s Definition of Consent in regards to sexual activity:**

**The institution’s definition of consent in regards to sexual activity is as follows:**

**Expressed Consent at UNH:** consent to engage in sexual activity must be given by each partner. Expressed consent “is mutual agreement, based on a shared desire for specific sexual activities that is expressed verbally or nonverbally. Examples of expressed consent include, but are not limited to:

- (a) An ongoing verbal interaction, taken one step at a time, to engage in escalating sexual intimacy;
- (b) Mutual awareness of possible unwanted consequences of sexual activities such as pregnancy and sexually transmitted diseases and taking precautions to avoid these consequences and
- (c) An ongoing recognition that consent to some sexual activities does not imply consent to other, different, or more intimate sexual activities”.

Examples of nonconsensual sex includes but are not limited to: threatening, forcing, manipulating, intimidating, blackmailing, drugging, and causing a person to become intoxicated as a substitute for expressed consent or engaging in unwelcome sexual activity with a sleeping or incapacitated person.

## **Sexual Harassment**

Sexual Harassment is prohibited by University of New Hampshire Policy. For more information about sexual harassment, including reporting options and resources please visit:

<https://www.unh.edu/affirmativeaction/policies-procedures>.

UNH’s policy on Sexual Harassment and Sexual Violence can be found here:

<https://www.usnh.edu/policy/unh/v-personnel-policies/b-affirmative-action-and-equity>.

It is the policy of the University of New Hampshire to uphold the constitutional rights of all members of the University community and to abide by all United States and New Hampshire State laws and University System of New Hampshire and University of New Hampshire policies applicable to discrimination and harassment.<sup>1</sup> In accordance with those laws and policies, all members of the UNH community will be responsible for maintaining a university environment that is free of discrimination and harassment based on race, color, religion, sex, age, national origin, sexual orientation, gender identity or expression, disability, veteran status, or marital status.<sup>2</sup> Therefore, no member of UNH may engage in discriminatory or harassing behavior within the jurisdiction of the university that unjustly interferes with any individual's required tasks, career opportunities, learning, or participation in university life.

The University of New Hampshire's Policy on Discrimination and Discriminatory Harassment covers all members of the UNH community, faculty, staff and students. It applies to applicants for employment and admission. Regardless of the process used to investigate and adjudicate complaints, any complaint may be filed with the Affirmative Action and Equity Office, and in many cases, complaints must be monitored by that office.

### ***Reporting Sexual Harassment to UNH Law School***

You may report sexual harassment to the following offices:

#### **Dean for Students Office**

2 White Street  
Concord, NH  
603-513-5171

#### **Affirmative Action & Equity Office**

305 Thompson Hall Durham, NH  
105 Main St. Durham, NH  
603-862-2930  
[www.reportit.unh.edu](http://www.reportit.unh.edu)  
603-862-1527 (TTY) or Relay NH:7-1-1

#### **Human Resources**

Holly Fadden (HR Operations)  
2 White St. Rm 176 Concord, NH  
603-513-5124

### ***UNH-Durham Campus Support Resources (Open to Law School Students)***

The following offices provide confidential support services:

#### **SHARPP Office**

Wolff House  
2 Pettee Brook Lane, Durham NH  
603-862-7233

#### **UNH Employee Assistance Office**

Nesmith Hall  
131 Main St. Durham, NH  
800-424-1749

## **UNH Alcohol & Drug Resource Information, Policy, and Laws**

UNH provides a variety of programs and interventions for drug and alcohol abuse. Confidential information, assessment, referral, and short term counseling are available at Health & Wellness 603-862-WELL (9355). Employees may contact the Employee Assistance Office at 1-800-424-1749. Granite State Recovery Centers are set up across NH and ready to help people with abuse and addiction. They can be reached by calling 855-622-8271.

Information about UNH's full compliance with the Drug Free Schools and Communities Act, including the description of drug and alcohol abuse education and intervention programs, can be found in UNH's Drug-Free Schools and Campuses Regulations Biennial Review.

### **UNH ALCOHOL AND DRUG POLICY**

The University of New Hampshire is committed to maintaining an environment of teaching and learning that is free of illicit drugs and alcohol. For many years, the University has had in place a policy to assist those with substance abuse, and a list of agencies available to support faculty, staff, and students is provided in various University of New Hampshire publications. The Drug Free Schools and Communities Act Amendments of 1989 require that UNH, as a recipient of federal funds, including federally-provided student financial aid, notify its students and employees annually that the unlawful possession, use, or distribution of illicit drugs and alcohol on University property is prohibited.

In compliance with the requirements of the Drug-Free Schools and Communities Act Amendments of 1989, all students and employees of UNH are notified of the following:

The unlawful possession, use, sale and distribution of illicit drugs and alcohol on the University Campus or during University sponsored activities are prohibited. The Concord Police Department has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

1. Students and employees who are found to be in violation of this state prohibition may be subject to arrest and conviction under the applicable criminal laws of local municipalities, the State of New Hampshire, or the United States. Convictions can result in sanctions including probation, fines and imprisonment.
2. Students who are found to be in violation of this stated prohibition are subject to discipline in accordance with the procedures of the Community Standards Systems. Discipline may include disciplinary probation, eviction of university housing or dismissal from the university.
3. Faculty and staff employees who are found to be in violation of this stated prohibition are subject to discipline in accordance with the applicable university employment rules and procedures. Discipline may include probation, suspension, or termination of employment. In addition to the above requirements, all employees are notified that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by University employees on University premises or off our premises while conducting

University business is prohibited. Violation of this policy will result in disciplinary action, up to and including termination and may have further legal consequences.

## **Federal Drug Laws:**

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

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

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

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

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

Penalties for Federal Drug Trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties of subsequent convictions are twice as severe. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$ 8 million.

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

### **Federal Drug Possession Penalties:**

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison, and minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000.

## **State of New Hampshire Laws**

The legal drinking age in New Hampshire is 21. If you are under 21, it is illegal to:

1. Have in your personal possession any alcoholic beverages,
2. Misrepresent your age for purpose of obtaining alcoholic beverage,
3. Drive in a car having alcoholic beverage except when accompanied by a parent, step-parent, grandparent, step-grandparent, legal aged sibling, guardian, or domestic partner. "Legal age spouse" means a person 21 years of age or older.

4. Be in an area where alcoholic beverages are served unless accompanied by person 21 years of age.

**Penalty:** fine and/or jail sentence

**(DWI) Driving While Intoxicated and Driving under the influence (DUI)**

**265-A: 2 Driving or operating under the influence of drugs or liquor; Driving or operating with excess alcohol concentration**

I. No person shall drive or attempt to drive a vehicle upon any way or operate or attempt to operate an OHRV:

(a) While such person is under the influence of intoxicating liquor or any controlled drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive or any combination of intoxicating liquor and controlled drugs, prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive; or

(b) While such person has an alcohol concentration of 0.08 or more or in the case of a person under the age of 21, 0.02 or more.

II. No person shall operate or attempt to operate a boat while under the influence of intoxicating liquor or a controlled drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive or any combination of intoxicating liquor and a controlled drug or drugs, prescription drug or drugs, over-the-counter drug or drugs, or any other chemical substance or substances, natural or synthetic, which impair a person's ability to drive or while such person has an alcohol concentration of 0.08 or more or in the case of persons under the age of 21, 0.02 or more.

**265-A: 3 Aggravated Driving While Intoxicated.-**

A person shall be guilty of aggravated driving while intoxicated if the person drives, operates, or attempts to operate an OHRV, or if the person drives or attempts to drive a vehicle upon any way, or if the person operates or attempts to operate a boat:

I. While under the influence of intoxicating liquor or any controlled drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive or any combination of intoxicating liquor and controlled drug or drugs, prescription drug or drugs, over-the-counter drug or drugs, or any other chemical substance or substances, natural or synthetic, which impair a person's ability to drive and, at the time alleged:

(a) Drives or operates at a speed more than 30 miles per hour in excess of the prima facie limit;

(b) Causes a motor vehicle, boating, or OHRV collision resulting in serious bodily injury, as defined in RSA 625:11, VI, to the person or another;

(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps or, in the case of a boat, navigational lamps while still in motion, or abandoning a vehicle, boat, or OHRV while being pursued; or

(d) Carries as a passenger a person under the age of 16;

II. While having an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21 at the time of the offense, 0.02 or more and, at the time alleged:

(a) Drives or operates at a speed more than 30 miles per hour in excess of the prima facie limit;

(b) Causes a motor vehicle, boating, or OHRV collision resulting in serious bodily injury, as defined in RSA 625:11, VI, to the person or another;

(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing



headlamps or, in the case of a boat, navigational lights while still in motion, or abandoning a vehicle, boat, or OHRV while being pursued; or

(d) Carries as a passenger a person under the age of 16; or

III. While having an alcohol concentration of 0.16 or more.

### **265-A: 18 Penalties for Intoxication or Under Influence of Drugs Offenses**

I. Except as otherwise provided in this section:

(a) Any person who is convicted of any offense under RSA 265-A:2, I shall be:

(1) Guilty of a class B misdemeanor;

(2) Fined not less than \$500;

(3) Referred by the court to an IDCMP and, if a first-time offender, required to submit to an alcohol and drug abuse screening within 14 days of conviction, and, if testing demonstrates the likelihood of a substance use disorder, to submit further to a full substance use disorder evaluation within 30 days of conviction, to be administered by a service provider indicated by the IDCMP, and thereafter to follow the service plan developed from that substance use disorder evaluation by the IDCMP;

(4) Required to complete a department of health and human services approved impaired driver education program prior to the restoration of the person's driver's license or privilege to drive; provided however, that if the person has previously completed such a program within the past 5 years and provides required proof, that shall serve as fulfillment of this requirement;

(5) Required to pay all fees arising from services provided by the IDCMP and its referrals for the service plan; and

(6) Subject to the following:

(A) The person's driver's license or privilege to drive shall be revoked for not less than 9 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. The court may suspend up to 6 months of this sentence, provided that the person has been screened within 14 days and, if required, has completed the substance use disorder evaluation within 30 days with a service provider indicated by an IDCMP and is in compliance with the service plan produced thereafter, and has completed a department of health and human services approved impaired driver education program. The court may, in its discretion, require the installation of an interlock device in accordance with RSA 265-A:36 during the period of sentence reduction, and may re-impose the longer suspension period if the defendant becomes noncompliant with the treatment recommendations at any time during the suspension period;

(B) The sentencing court may require the person to submit to random urinalysis or such other tests as the court may deem appropriate; and

(C) The court in which the person was convicted may reduce the conviction to a violation upon a motion filed by either party at least one year after the date of the conviction. In deciding whether to reduce the conviction to a violation, the court may consider the person's subsequent driving record, the recommendation of the IDCMP, the hardship that having a criminal record may cause for the person, and any other factors that the court deems relevant.

(b) Any person who is convicted of any aggravated DWI offense under RSA 265-A: 3, except as provided in subparagraph (c), shall be:

(1) Guilty of a class A misdemeanor;

(2) Fined not less than \$750;

(3) Sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 12 days shall be suspended. The court shall refer the person to an

IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 5 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period;

(4) Ordered to install an interlock device in accordance with RSA 265-A:36; and

(5) Subject to the following:

(A) The person's driver's license or privilege to drive shall be revoked for not less than 18 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. Upon confirmation from the IDCMP that the person is in full compliance with the service plan, the court may suspend up to 6 months of this sentence, with the condition that an interlock device be installed for the period of the suspended sentence in addition to any period required in accordance with RSA 265-A: 36 and provided that all fees have been paid; and

(B) The sentencing court may require the person to submit to random urinalysis or such other tests as the court may deem appropriate.

(c) Any person who is convicted of aggravated DWI under RSA 265-A:3, I(b) or II(b), shall be:

(1) Guilty of a class B felony;

(2) Fined not less than \$1,000;

(3) Sentenced to a mandatory sentence of not less than 35 consecutive days in the county correctional facility, of which 21 shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 14 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period;

(4) Ordered to install an interlock device in accordance with RSA 265-A:36; and

(5) Subject to the following:

(A) The person's driver's license or privilege to drive shall be revoked for not less than 18 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. The court may suspend up to 6 months of this sentence, provided that the person shall schedule a substance use disorder evaluation within 30 days of release, or upon release from the county correctional facility, whichever occurs later, complete the required substance use disorder evaluation within 60 days of release with a service provider indicated by an IDCMP, and the service plan produced thereafter, with the condition that an interlock device be installed for the period of the suspended sentence in addition to any period required in accordance with RSA 265-A:36 and provided that all fees have been paid; and

(B) The sentencing court may require the person to submit to random urinalysis or such other tests as the court may deem appropriate.

II. Any person convicted of a violation of RSA 265-A: 19, II shall be subject to the penalties set out in this section for a violation of RSA 265-A: 3. Any person convicted of a violation of any other provision in RSA 265-A: 19 or a violation of RSA 265-A: 2, II shall be subject to the penalties set out in this section for a violation of RSA 265-A: 2, I.

III. Any person who is convicted of an offense under RSA 265-A: 2, I or RSA 630:3, II, and whose offense occurred while the person was under the age of 21, shall be sentenced according to the provisions of this section, except that in all cases the person's driver's license or privilege to drive shall be revoked for not less than one year. The person shall schedule a substance use disorder evaluation with a service provider indicated by an IDCMP within 30 days of conviction, or upon release from the correctional facility, whichever occurs later, complete the required substance use disorder evaluation within 60 days of release, comply with the service plan developed by the IDCMP, and complete an approved impaired driver education program if not previously completed within the past 5 years.

IV. Upon conviction of any offense under RSA 265-A:2, I or RSA 265-A:3, based on a complaint which alleged that the person has had one or more prior convictions under RSA 265-A:2, I or RSA 265-A:3, or RSA 630:3, II, or under reasonably equivalent offenses in an out-of-state jurisdiction, within 10 years preceding the date of the second or subsequent offense, the person shall be subject to the following penalties in addition to those provided in paragraph I:

(a) For a second offense:

(1) The person shall be guilty of a class A misdemeanor;

(2) The person shall be fined not less than \$750;

(3)(A) If the complaint alleges that the prior conviction occurred within 2 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 60 consecutive days in the county correctional facility, of which 30 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 30 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period;

(B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 12 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 5 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period; and

(4) The person's driver's license or privilege to drive shall be revoked for not less than 3 years. The person's driver's license or privilege to drive shall not be restored by the department until the person shall have completed the service plan developed by the IDCMP, and paid all relevant fees.

(b) For a third offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraph (a) except that:

(1) The person's driver's license or privilege to drive shall be revoked indefinitely and shall not be restored for at least 5 years. At the end of the 5-year minimum revocation period the person may petition the court for eligibility to reapply for a driver's license and the court, for good cause shown, may grant such eligibility subject to such terms and conditions as the court may prescribe. Any untimely petition under this subparagraph shall be dismissed without a hearing. If such petition is granted and the person is otherwise eligible for license restoration, the person may then apply to the director for restoration of driver's license, but the license shall not be restored until all requirements under law are met. The person's driver's license or privilege to drive shall not be restored by the department until the person shall have completed the service plan developed by the IDCMP, and paid all relevant fees.

(2) The person shall be sentenced to a mandatory sentence of not less than 180 consecutive days of which 150 shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 30 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period. The remainder of the sentence may be deferred for a period of up to 2 years. The court may, at the satisfactory completion of any required treatment, suspend any remaining deferred sentence.

(c) For a fourth or subsequent offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person shall be guilty of a felony, and the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph

(b)(1) for at least 7 years.

(d) For a third or subsequent offense when any prior offense under this paragraph is negligent homicide under RSA 630:3, II, or reasonably equivalent offense in an out-of-state jurisdiction, the person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 10 years.

V. If any person is convicted of a violation of RSA 265-A:2, I or RSA 265-A:3, and the conviction is not based upon a complaint which alleges prior convictions as provided in paragraph IV, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within 10 years preceding the date of the offense, the person's driver's license or privilege to drive shall be revoked for not less than one year nor more than 3 years. The court shall refer the person to an IDCMP to schedule a full substance use disorder

evaluation. The person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. The court may suspend up to 6 months of this sentence, conditional on completion of the required evaluation within 30 days of the court's finding, completion of the service plan developed by the IDCMP, and payment of all relevant fees.

VI. For the purposes of this section:

(a) "Revocation" or "revoked" means revocation as defined in RSA 259:90 and also includes, if the person is a nonresident, the revocation of the person's privilege as an out-of-state driver to drive on any ways of this state.

(b) "Out-of-state jurisdiction" includes any governmental entity that issues driver's licenses that are valid for operating a motor vehicle on the ways of this state as provided in RSA 263:37, and that has laws relating to driving while impaired that are reasonably equivalent to the laws of this state.

(c) "IDCMP" means an impaired driver care management program approved by the department of health and human services under RSA 265-A: 40.

VII. No portion of the minimum mandatory sentence of imprisonment and no portion of the mandatory sentence of the period of revocation and no portion of any fine imposed under this section shall be suspended or reduced by the court. No case brought to enforce this section shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this section shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by RSA title LXII or any other provision of law.

VIII. Any person convicted of a violation of RSA 265-A:2, RSA 265-A:3, or RSA 265-A:19, II, and who at the time of driving or attempting to drive a vehicle or off highway recreational vehicle or operating or attempting to operate a boat was transporting a person under the age of 16, shall have the driver's license or privilege to drive revoked for the maximum time period under the section violated and the person's license or privilege to drive shall not be restored until the offender has completed an IDCMP screening within 14 days of conviction, and if testing demonstrates the likelihood of a substance use disorder, the person shall schedule a substance use disorder evaluation within 30 days of conviction or within 30 days of release from the correctional facility, whichever occurs later, complete the required substance use disorder evaluation within 60 days of release from the correctional facility, comply with the service plan developed from the substance abuse disorder evaluation by the IDCMP, and complete a department of health and human services approved impaired driver education program prior to the restoration of the person's driver's license or privilege to drive; provided however, that if the person has previously completed such a program within the past 5 years and provides required proof, that shall serve as fulfillment of this requirement.

IX. Any conviction under RSA 265-A:2, I or RSA 265-A:3 shall be reported to the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

X. When any provision of this section requires a person to schedule, submit to, or complete an alcohol and drug abuse screening or substance use disorder evaluation within a specified number of days, or makes such a condition of eligibility for suspension of a period of license revocation



or other sentence, a person may comply with the requirement within the time period specified or as soon thereafter as any extenuating circumstances approved by the department of health and human services allow.

### **179:10 Unlawful Possession and Intoxication-**

I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his or her possession any liquor or alcoholic beverage, or who is intoxicated by consumption of an alcoholic beverage, shall be guilty of a violation and shall be fined a minimum of \$300. Any second and subsequent offense shall be fined at least \$600. For purposes of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be prima facie evidence of intoxication. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.

II. Except for persons convicted on the basis of intoxication, any person under the age of 21 years convicted of unlawful possession of liquor or beverage shall forfeit the same, and it shall be disposed of as the court directs. The proceeds, if any, shall be paid into the treasury of the county in which the proceedings were determined.

### **Keg Registration Law**

Law requires sellers of keg beer to create a record of purchases and to obtain the identity of the purchaser. Sellers will attach a unique label to the retail keg which will enable law enforcement to determine the identity of the seller as well as the purchaser. If contents of the keg are consumed by a minor, law enforcement will have an avenue to identify the purchaser of the keg. Any person who removes the label shall be guilty of a violation which is punishable by a \$1,000 fine.

### **State of New Hampshire Uniform Controlled Drug Act:**

The Controlled Drug act, NH RSA 318-B, regulates controlled substance and NH RSA 318-B: 26 outlines specific penalties for the violation of the regulations. Penalties vary according to type of drug involved, the amount of drug confiscated, and the number of previous convictions, and presence of any aggravating factors.

## **USNH Policy Governing Alcohol and Controlled Substance**

### **Use of Alcohol and Controlled Substances during Work Hours**

Drug Free Workplace.

**2.1 Goal.** USNH views alcoholism and drug addiction as highly complex diseases that, once they have been diagnosed, can be addressed by appropriate treatment, and require the same consideration given to employees in cases of other illnesses. Because USNH values its employees, its only purpose in involving itself in the complex areas of alcoholism and drug addiction is to assist the employee in seeking treatment and returning to a state of effectiveness



and productivity. The Employee Assistance Program (EAP) is available to assist with such illnesses. Every case is handled with the utmost confidentiality.

**2.2 Commitment & Responsibilities.** USNH institutions shall establish guidelines for the use of alcohol and controlled substances during work hours in conformance with the following general policy: using, possessing, or being under the influence of alcoholic beverages, amphetamine-type drugs, barbiturate-type drugs, cannabis-type drugs, Phencyclidine, Methaqualone, Benzodiazepines, cocaine-type drugs, morphine-type drugs, hallucinogenic drugs, or any controlled drugs as provided in RSA 318-B during work hours by USNH employees is prohibited.

**2.2.1** The use of prescription drugs will be permitted by policy in strict accordance with the prescription of a licensed health care professional.

**2.2.2** Where the use of alcohol is permitted by policy, safety considerations and concern for the image of the institution require that discretion be exercised in the use of alcoholic beverages either on or away from USNH property.

**2.2.3** In situations where the use of certain types of prescription and non-prescription medication may negatively affect mental concentration or coordination (such as antihistamines or "mood altering" drugs), safety considerations may require temporary reassignment of duties and responsibilities.

**2.2.4** Supervisors who have documented an employee's deficient or deteriorating performance and believe such performance to be related to the use of alcohol or drugs must discuss options for handling the problem with HR or other official designated by the campus Chief Executive Officer. Supervisors shall not engage in diagnosis or establishing treatment plans for employees. The supervisor may meet with the employee and make a referral to the EAP (see *USY V.D.5.2*).

**2.2.5** The decision to undertake treatment through qualified sources is the responsibility of the individual employee. The individual's employment status will in no way be affected by the decision to seek treatment. They will continue to be covered by applicable policies. If work performance continues to be deficient, a performance review will be conducted within the framework of USNH policy to allow for appropriate determination concerning the individual's future employment status. Such performance reviews will consider evidence of poor work performance, frequent absences, neglect of duties and responsibilities, drastically altered moods, physical or verbal abuse, and deterioration of working relationships.

**2.3 Legal Requirements.** In accordance with the Drug Free Workplace Act of 1988 (Pub. L. No. 100-690, Title V, Subtitle D) employees are prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance in the workplace. Each USNH institution will: (a) make a good faith effort to maintain a drug free workplace, (b) conduct a biannual review of its program to determine effectiveness, (c) implement changes to the program if needed, and (d) ensure that disciplinary sanctions are enforced. Each USNH institution will take the following actions within 30 days upon notification of an employee conviction: (1) take appropriate personnel action against a convicted employee up to and

including termination; (2) place a notice of the drug conviction in the employee's personnel file in accordance with normal disciplinary policy procedures; (3) require the convicted employee to utilize the services of the EAP and, (4) require the convicted employee to successfully complete an approved drug abuse assistance or rehabilitation program recommended by the EAP as a condition of continued employment.

**2.3.1** USNH institutions will notify, in writing, employees working on a grant that as a condition of employment they will:

**2.3.1.1** Abide by the terms of the USNH policy, and

**2.3.1.2** Notify HR of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction.

**2.3.2** USNH institutions will notify the granting agency within ten days after receiving notice from the employee or otherwise receiving notice of the conviction.

**2.3.3** Violations. In the event that an employee is found to be acting against policy as stated above, they will be subject to appropriate action, which may include a warning, reprimand, and suspension, referral to counseling or EAP, or discharge.

**2.4** USNH institutions may establish an ongoing drug/alcohol free awareness that informs employees of:

**2.4.1** The dangers of drug/alcohol abuse and the health risks associated with that abuse,

**2.4.2** The policy of maintaining a drug/alcohol free workplace,

**2.4.3** Any available drug counseling, rehabilitation program or an EAP, and

**2.4.4** The penalties that may be imposed upon employees for violation of this policy.

**2.5** Employee Alcohol and Controlled Substance Testing under U.S. Department of Transportation Agency Regulations Implementing the Omnibus Transportation Employee Testing Act of 1991, 49 CFR Part 40, Part 382, and Part 655 as amended.

**2.5.1** Purpose. USNH institutions shall comply with all applicable regulations of agencies of the U.S. Department of Transportation as they relate to alcohol and controlled substance testing. Such testing is mandated for employees required to have a commercial driver's license and/or perform safety sensitive function as defined by 49 CFR Part 40 and Part 655 as amended. For reference see:

**2.5.1.1** 49 CFR § 40 - Office of the Secretary of Transportation: "Procedures for Transportation Workplace Drug and Alcohol Testing Programs".

**2.5.1.2** 49 CFR § 655 – Federal Transit Administration: "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations".

**2.5.1.3** 49 CFR § 382 – Federal Motor Carrier Safety Administration Regulations: "Controlled Substances and Alcohol Use and Testing".

**2.5.2** Testing.

**2.5.2.1** USNH institutions will contract with external agencies to conduct all testing as mandated by and in accordance with the federal regulations referenced in **USY V.D.2.5**.

**2.5.3** Penalties for Violations of Regulations. USNH institutions shall impose such penalties as required by the regulations referenced in **USY V.D.2.5** on employees whose test results indicate prohibited alcohol and/or controlled substance concentrations. Any disciplinary actions taken under this section shall be in conformance with **USY V.C.8**.

**UNIVERSITY OF NH**  
**Franklin Pierce School of Law**  
**2020 Annual Fire Safety Report**



**CONCORD FIRE DEPARTMENT**

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Concord, NH 03301  
603-225-8650 or 911

The Concord Fire Department is a full-time, professional, full-service fire department, on duty 24-hours per day, 365 days per year. The department responds to all types of fires, medical aids and hazardous material emergencies both in the City of Concord and on the UNH Law School campus.



Concord Fire Department is an agency that endeavors daily to live up to their vision of being a well-respected and progressive public safety organization. They take pride in a history of recognized service to their community. Their core values gives them the passion to perform this often difficult and dangerous work and reminds them to earn the trust, respect, and support of the community by always using best practices to protect the people who live, work, and visit the City of Concord.

Concord Fire Department is honored to serve and protect the citizens of the City of Concord by providing a wide range of services, including fire suppression, basic and advanced life support emergency medical care, fire safety inspections and education, car seat safety checks, regional

emergency communications, fire alarm and traffic signal maintenance, as well as many other services intended to meet the specific needs of our citizens.

## UNH Franklin Pierce School of Law Residential Facilities – Concord NH

UNH School of Law Residential Facilities									
UNH Law School Residential Facilities	Fire Alarm Monitored by UNH PD	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Number of Extinguishers Per Floor	Evacuation Plans/Placard	Number of Fire Drills each Academic Year	# of Residents
10 Blanchard Street Concord	N	N	N	Y	1	0	N	0	1
12 White Street Concord	N	N	N	Y	1	0	N	0	2
14 White Street Concord	N	N	N	Y	1	0	N	0	4
25 Essex Street Concord	N	N	N	Y	1	0	N	0	6

### Fire Statistics for UNH School of Law campus residential buildings

#### Statistics and Related Information Regarding Fires in Residential Facilities for CY 2018

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
10 Blanchard Street	0	NA	NA	NA	NA	NA
12 White Street	0	NA	NA	NA	NA	NA
14 White Street	0	NA	NA	NA	NA	NA
25 Essex Street	0	NA	NA	NA	NA	NA

**Statistics and Related Information Regarding Fires in Residential Facilities for CY 2019**

<b>Residential Facilities (Name and Address)</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
<b>10 Blanchard Street</b>	0	NA	NA	NA	NA	NA
<b>12 White Street</b>	0	NA	NA	NA	NA	NA
<b>14 White Street</b>	0	NA	NA	NA	NA	NA
<b>25 Essex Street</b>	0	NA	NA	NA	NA	NA

**Statistics and Related Information Regarding Fires in Residential Facilities for CY 2020**

<b>Residential Facilities (Name and Address)</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
<b>10 Blanchard Street</b>	0	NA	NA	NA	NA	NA
<b>12 White Street</b>	0	NA	NA	NA	NA	NA
<b>14 White Street</b>	0	NA	NA	NA	NA	NA
<b>25 Essex Street</b>	0	NA	NA	NA	NA	NA

**UNH – Franklin Pierce School of Law FIRE SAFETY POLICY**

If a fire occurs in a University of New Hampshire School of Law, apartment, community members should pull the fire alarm, use the nearest safe exit to evacuate and notify Concord Police Department and Concord Fire Department immediately by calling 911. If a community member finds evidence of a fire that has been extinguished, and the person is not sure whether the Security Office has already responded, the community member should immediately notify UNHPD at (603)862-1212 to investigate and document the incident. For the purposes of including a fire in the statistics in the Annual Fire Safety Report.

**Procedures students and employees should follow in case of a Fire**

In the event of a fire the following are the procedures that should be followed by students or employees:



**Student Housing Evacuation Procedures in case of a fire:**

- If you hear the fire alarm immediately evacuate the building using the nearest available exit. Do not attempt to fight a fire unless you have been trained to do so.
- Awaken any sleeping roommates or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out of the building.
- When exiting in smoky conditions keep you hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- DO NOT USE THE ELEVATORS. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
- Each resident should report to their assigned assembly area. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.

**Policies pertaining to use of Portable Electric Appliances, Smoking and Open Flames**

Your room is where you will spend most of your time while attending the University. Before you start making your room “your new home,” take a moment to consider the UNH regulations. Each year thousands of people are hurt or killed in fires. Most of the deaths and injuries are needless because most fires can be prevented. The best way to avoid fires is to avoid the hazards, which create them.

The following policy information is from the Department of Housing:

**Appliances and Cooking:**

- Any appliance used in your room must be listed or recognized to a U.L. standard by a national recognized testing laboratory. (Includes: clocks, radios, computers, etc.)
- Appliances that may be used in your room but CANNOT be plugged in unattended include: curling irons, coffee pots, hotpots, irons, and popcorn poppers.
- Microwaves and refrigerators need to be plugged directly into an outlet or a fused power strip or a splitter with a fuse. If an adapter is used for a power strip or an extension cord,

the ground lead must be connected. Refrigerators no taller than 35 inches in height and drawing no more than 1.5 amps of power are allowed.

- Microwaves with a power output of 800 watts or less are allowed

In addition, residents should monitor the number and type of appliances they bring, as well as the use and placement of electrical cords, extension cords and surge protectors.

### **Smoking:**

Smoking is not allowed in the residence halls nor is it permitted within 20 feet of the building. This includes regular and e-cigarettes, vapes and other smoking type materials. Residence halls and the perimeter surrounding a residence hall are smoke free areas.

## **Policies pertaining to Fire Safety**

### **Fire Safety:**

The University Of New Hampshire School Franklin Pierce School Of Law uses a variety of safety equipment to contribute to a safe environment. Fire extinguishers, smoke alarms, sprinkler systems, exit signs, pull station alarm covers, and fire doors are all designed to help with your safety. Tampering with any of these systems could lead to dismissal from the Law School.

### **Fire Precautions:**

To greatly reduce the chance of a fire you should:

- Avoid running electrical cords under carpeting, where the cords can be stepped on and easily damaged.
- Use surge protectors with their own built-in-fuse
- Empty wastebaskets regularly
- Follow all fire safety and prevention rules and policies
- Do not overload electrical circuits and do not string extension cords over nails, under carpets or furniture, or in locations where they will wear.
- Use only approved appliances
- Do not operate appliances when you are not present and not operate appliances in closets or close to flammable materials
- Keep doors to stairwells closed
- Keep hallways clear of your belongings including shoes and boots
- Do not hang items on the electrical conduit, or fire sprinkler systems
- Flammable items such as stain, flammable cleaning solvents, butane, propane torches, gasoline, camping or cooking fuels, oil lamps, oil candles, are strictly prohibited.
- If you use wall or door posters or hangings, they should be used sparingly. No more than 50% of the surface of any wall or exit door may be covered (this does not include

furniture). This precaution eliminates excess combustible material which could cause fires to spread.

- Overhead hangings of any kind including items hung from the ceiling, walls or pipes running horizontally with the ceiling are strictly prohibited. If an item is hung from a wall, the item must be completely touching that wall. This precaution prevents the possibility of materials falling down during a fire.
- Candles, tarts, incense and other items with a wick (such as kerosene lamps) and other objects that create and hold a flame are prohibited. No exceptions will be made for cut wicks or removed wicks. Candles have caused many serious rooms fires in the past and are one of the easiest ways for a fire to start.
- Residents will be held financially responsible for acts of negligence or intent that result in damage to University property and/or the personal property of others.

### **Fire Safety equipment in UNH Law School Residence Housing:**

#### **Malicious false alarms:**

Anyone activating a fire alarm without cause by pulling a pull station or tampering with any of the automatic fire detection devices is responsible for a malicious false alarm. This is a serious offense. By initiating such a false alarm, one exposes both residents and fire fighters to unnecessary risk. Those caught causing a malicious false alarm will be arrested and prosecuted to the full extent of the law and may be held accountable for any injuries or damages which occurs during a fire evacuation.

#### **Fire Extinguishers:**

Fire extinguishers are found in every residence. These are your first line of defense in case of a fire and could save your life or the lives of your friends. **DO NOT TAMPER WITH FIRE EXTINGUISHERS.** Eviction from the residence is a possible consequence for tampering with a fire extinguisher. There is a \$100 charge for resetting a fire extinguisher that has been misused.



### **Fire Safety Training**

Hands-on practical training of fire extinguishers that utilize live fire exercises is available upon request.

### **Evacuation and Evacuation Procedures**

Building evacuation is required when the fire alarm is sounding. Residents should exit the building and move as far away as possible for their own safety and to allow those responding to the alarm access to the building. It is important for residents to familiarize themselves with procedures before the need to evacuate in an emergency arises. Individual building evacuation routes are located in each residence hall. Residents should familiarize themselves with the nearest exit from their room as well as alternate exits, if the exit nearest to the resident's room is unusable.

There are common elements to all fire evacuation procedures: if you see fire, pull the fire alarm and evacuate the building; if you hear a fire alarm, evacuate the building at the nearest safe exit; do not take the elevator; once clear of the building, call 911; do not re-enter the building until you have received confirmation that it is safe to do so. "Building Evacuation Routes" are specific to each location.

### **Fire log**

A fire log is available for review at the UNH Franklin Pierce School of Law located at 2 White Street Concord NH. The fire log is maintained at the main desk. The log is viewable Monday through Friday 8 a.m.-4:30 p.m. excluding holidays. The information in the fire log includes information about fires that occur in residential facilities including the nature, date, time and general location.

## **PLANS FOR FUTURE IMPROVEMENT IN FIRE SAFETY**

The University Franklin Pierce School of Law does not have any planned improvements in fire safety at this time.

The Annual Security Report and Annual Fire Safety Report is published as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. An electronic version of this report is available at [www.unh.edu/upd](http://www.unh.edu/upd). Paper copies are available upon request at UNH Police Department, 18 Waterworks Rd, Durham NH 03824. Inquiries regarding this publication should be directed to Clery Program Director Allison Jean at [ajordan@unh.edu](mailto:ajordan@unh.edu). Or by calling Allison Jean at 603-862-3700.