

Section: 700 –

B. Sexual Harassment Under the New Hampshire Law Against Discrimination

Sexual harassment is defined differently under New Hampshire's discrimination law and regulations. These laws define sexual harassment as: unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's educational benefits or employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions regarding educational benefits or employment affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or an individual's work performance, or creating an intimidating, hostile, or offensive environment.

The term "consent" under A.3 above shall also apply, to the extent relevant, to allegations in this section.

C. Sexual Misconduct Under NH RSA 188-H

Sexual misconduct under RSA 188-H is a broadly defined term that includes: (1) all forms of sexual harassment under Title IX, Title VII or State law under subsections A. and B. above; and (2) any other incident of sexual violence, gender-based violence, or violence based on sexual orientation or gender identity or expression.

The term "consent" under A.3 above shall

D. A report of sexual misconduct/sexual harassment may also be made to Campus Security, or local or

BetterMynd

NCC students have access to free confidential Student Counseling Services provided by BetterMynd. Through their network of providers and the power of teletherapy, BetterMynd is empowering college students to get the mental health care they need. NCC students get 3 FREE 50-minute teletherapy sessions and 2 FREE Wellbeing Workshops paid for by the college. Try it out! Register through the CCSNH Okta Portal <https://portal.ccsnh.edu> or at <http://www.bettermynd.com>. Teletherapy removes the stigma or fear of being “seen getting help” in an on-campus center. Teletherapy is available during traditional hours as well as evenings and weekends as well as school breaks (e.g. winter break, summer). Teletherapy empowers students to select a counselor that matches their preferred demographics, identities, lived experiences, and specialties.

Legal Resources

<https://www.nhcadsv.org/legal-resources.html>

Individual’s Healthcare Provider

D. Reports to Law Enforcement

Victims of sexual misconduct may choose, or decline, to report incidents of sexual misconduct to the College **Campus Safety Office**, or local or State police at the numbers/locations below. Individuals may request assistance from the CCSNH/College Title IX Coordinator with contacting law enforcement.

E. Protection Orders

1. Victims of sexual misconduct/sexual harassment may obtain a protection (no contact) order, as well as other supportive measures, from the Title IX Coordinator following a report of sexual misconduct/sexual harassment (see Section VI below).
2. Victims of sexual misconduct involving domestic violence or stalking may pursue a court-ordered protection order by

C. Steps in the Process

A formal complaint initiates the Title IX Grievance Procedure. The Title IX Coordinator has general responsibility for implementing this procedure. This section outlines the significant steps in the process in summary form.

1. General Obligations of CCSNH/College and Timeline

CCSNH/College will:

- Treat complainants and respondents equitably;
- Not presume a respondent is responsible until and unless such a determination is made following a hearing as provided in this policy;

supportive measures. Parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time.

Any terms in an informal resolution that include involvement by CCSNH/College must be

In turn, the Title IX Coordinator shall:

- i. Provide a hard or electronic copy of the investigation report to the parties and advisors (if any) at least 10 calendar days prior to the scheduled hearing, for their review and written responses. The parties and advisors must acknowledge that they will not further disseminate the investigation report to any person, but may use it to prepare for the hearing. Responses to the investigation report must be provided to the Title IX Coordinator shall:

- vi. The decision maker shall rule on the relevance of evidence offered or of any question asked of a party or witness prior to the question being answered, especially during cross-examination.
- vii. The decision maker may request input from CCSNH/College officials concerning possible sanctions, either during the live hearing or during the period between the close of the hearing and the issuance of the decision maker's written determination.
- viii. CCSNH counsel may attend the hearing and may provide advice to the decision maker or guidance to the participants during the hearing as needed.
- ix. Parties must have an advisor at the hearing. If a party does not have an advisor at this stage of the process, CCSNH/College will appoint one for the party at no cost to the party.
- x. The Title IX regulations require that advisors (and not the parties) may question parties and witnesses, following rules of decorum.
- xi. A video or audio recording or transcript shall be made of the hearing, and made available to the parties for inspection and review.

7. Standard of Proof and Determination of Responsibility

CCSNH/College uses a preponderance of the evidence standard ("more likely than not") in making determinations of responsibility.

The decision maker shall issue a written determination, which shall include the following:

- i. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy.
- ii. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
- iii. Findings of fact supporting the determination.
- iv. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, and any disciplinary sanctions CCSNH/College imposes on the respondent.
- v. A statement as to whether remedies designed to restore or preserve equal access to CCSNH/College education programs and activities will be provided to the complainant; however, the decision maker shall not identify such remedies. The Title IX Coordinator shall work with the complainant to design remedies consistent with the decision maker's findings.
- vi. The procedure and permissible bases for the complainant and respondent to appeal the determination (or dismissal).

The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that CCSNH/College provides the parties with the written determination of the results of the appeal, if an appeal is filed (see subsection 9 below), or if an appeal is not filed, the date on which the appeal period expires. A complaint filed with an external agency is not an appeal for purposes of determining when a finding of responsibility becomes final.

