

I. Definitions

- a. **Title IX Coordinator:** The employee designated by the college to coordinate its efforts to comply with Title IX responsibilities.
- b. **Campus Security Authorities** under the Clery Act include all residence directors, residence assistants, coaches, student club organization advisors and any other person who has significant responsibility for student and campus activities.
- c. **Advisor:** A person who is available to a complainant or respondent to advise a complainant or respondent throughout the grievance process. An advisor may also provide information or referrals to on-campus and off-campus resources. An advisor may be an employee of CCSNH or another person chosen by the complainant or respondent.
- d. **Confidential Resource:** An individual affiliated with a recognized crisis center, who is available to confidentially support or provide information to those who have experienced domestic violence, sexual assault, or sexual harassment. As explained more fully in section VII below, free and confidential support services are available across the state to anyone that has been impacted by domestic and sexual violence or stalking. Services are open and affirming to all, and a person does not need to be in crisis to call.
- e. **Investigator:** The person(s) designated by the college to conduct investigations of formal complaints of sexual harassment as defined by this policy. The investigation shall be limited to the allegations set forth in the formal complaint. The investigator is responsible for preparing an investigation report which fairly summarizes all relevant information and the sources of such information gathered during the investigation.
- f. **Disciplinary Officer:** The person designated by the college to determine what if any sanctions will be imposed on a respondent who has been found responsible for sexual harassment in violation of this policy.
- g. **Hearing Officer:** The person (or persons where a college utilizes a panel of hearing officers) designated by the college to conduct live hearings on formal complaints following completion of an investigation report to determine whether it is more likely than not that the respondent is responsible for alleged conduct which constitutes a violation of this policy.
- h. **Appeal Officer:** The person designated by the college to review and decide appeals of the determination made by the hearing officer (or panel) and/or disciplinary officer.
- i. **Healthcare Providers** includes any campus-based healthcare provider or tele-mental health provider, or any physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in that capacity.
- j. **Supportive measures** are actions taken by the college to restore or preserve equal access to education programs without unreasonably burdening any individual or the

college, including measures designed to protect the safety of all parties. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.

- k. **Formal complaint** means a written complaint filed by a complainant, or otherwise reported by a complainant to and signed by the Title IX Coordinator, alleging sexual harassment against a respondent, in which the complainant requests that the college investigate the report of sexual harassment.
- l. **Retaliation** is any adverse action related to participation in an education program taken against a person because a person has filed a report or participated in any in the formal complaint, investigation or hearing process related to sexual harassment. Charging an individual with a code of conduct violation for making a materially false statement in bad faith during a grievance proceeding does not constitute retaliation prohibited by this policy. A determination regarding responsibility, alone, however, is not sufficient to conclude that any party made a materially false statement in bad faith.
- m. **Sexual harassment** includes any of the three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect: 1) any instance of *quid pro quo* harassment by an employee of CCSNH; 2) any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; and 3) any instance of **sexual violence**, which includes **sexual assault** (as defined in the Clery Act), **domestic violence**, **dating violence**, or **stalking** as defined in the Violence Against Women Act (VAWA).
 - i. **Sexual Assault as defined in the Clery Act** includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes forcible regardless of gender. There are four types of forcible sex offenses:
 1. **Rape** is the sexual penetration, no matter how slight, of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape regardless of gender.
 2. **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

3. **Incest** is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent.

ii. **Domestic violence, dating violence and stalking are defined by VAWA as:**

1. **Domestic Violence** is a felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the victim, 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, 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 of violence occurred, or 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 of violence occurred.
 2. **Dating Violence** is 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. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
 3. **Stalking** is 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.
- n. **Consent** as used in this policy is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely, willingly, and actively by all parties. Consent is knowing and voluntary. Consent is active, not passive. Accordingly, silence or absence of resistance cannot be interpreted as consent. Consent can be given by words or actions so long as those words or actions may be reasonably understood to give permission regarding sexual activity. Individuals cannot give consent if they are incapacitated due to alcohol or legal or illegal drugs, or under the age of 16.