REPORT OF COUNSEL TO
THE BOARD OF TRUSTEES
OF
UNIVERSITY SYSTEM OF NEW HAMPSHIRE
REVIEW OF TITLE IX POLICIES, PRACTICES AND PROCEDURES

UNIVERSITY OF NEW HAMPSHIRE
PLYMOUTH STATE UNIVERSITY
KEENE STATE COLLEGE
GRANITE STATE COLLEGE

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I. INTRODUCTION AND SCOPE OF THE REVIEW

In March 2014, the Board of Trustees of the University System of New Hampshire (the “University System”) engaged McLane, Graf, Raulerson & Middleton, Professional Association (“McLane”) to conduct a System-wide review of policies, practices, and culture related to the protection of students from sexual harassment and assault and to provide advice regarding compliance with Title IX of the Education Amendments of 1972 (“Title IX”) and other relevant authority. The schools within the University System are the University of New Hampshire ("UNH"), Plymouth State University ("PSU"), Keene State College ("KSC"), and Granite State College ("GSC").

McLane completed a review of the University System’s written policies and procedures related to sexual harassment and sexual assault and also reviewed the written policies and procedures respective to each school within the University System as contained in the various student, faculty and staff handbooks available on the respective websites. In order to assess the effectiveness of those policies and procedures, McLane lawyers also met with a diverse group of approximately 55 selected administrators, staff and coaches at each of the four schools over a four-month period. These individuals offered a broad range of experiences, expertise and length of service and are responsible, to varying degrees, for implementing the policies and procedures at each respective school. The group included administrators responsible for providing training, education and support services to their respective campus communities. The list of individuals interviewed may be found in Appendix I.

All of the participants were cooperative and willing to speak with us openly and candidly about this important issue. At the outset of each interview, we explained that: the meeting was not an “investigation,” but rather a “review;” we would not be quoting or referencing specific individuals; and the goal was not to attribute responsibility to any particular individual or
department for flaws, but rather to identify areas where processes and procedures could be improved. We took notes, but only to remember the conversations, not to attribute any particular statements to individuals. The majority of the meetings lasted about two hours each. McLane also reviewed additional requested documents and some unsolicited documents from the individuals we interviewed. The list of additional documents reviewed may be found in Appendix II. We also reviewed the Reports of Investigative Counsel recently completed at KSC and UNH (the “Investigative Reports”).

It should be noted that our review was completed at a specific moment in time and our recommendations reflect issues identified at that time. Therefore, our recommendations should not be interpreted to suggest that the institutions were not each addressing these important matters. In fact, at each institution, significant positive changes were in progress while we were conducting the review, as noted below.

II. RELEVANT LAW AND REGULATORY GUIDANCE

To provide a framework for our recommendations, we have included in Appendix III an additional overview of some of the key federal mandates and guidance letters that govern the University System’s obligations with regard to matters of sexual harassment, discrimination, sexual assault, intimate partner violence and stalking. These laws include:

- Title IX of the Education Amendments of 1972 (“Title IX”), a federal law that prohibits discrimination on the basis of gender in education programs and activities and in employment. Title IX applies to all colleges and universities that receive federal financial assistance, either directly or indirectly.

- The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”), enacted in 1990, is a federal statute that requires all colleges and universities that receive federal financial assistance, either directly or indirectly, to keep and publish information about crimes on or near their campuses.

The purpose of the Clery Act is to provide students, their families and school employees with accurate, complete, and timely information about campus safety to enable them to make better informed decisions.

- The Campus Sexual Violence Elimination Act, which reauthorized the Violence Against Women Act (“Campus SaVE Act”), was enacted in March 2013 and requires disclosure of incidents of domestic violence, dating violence, sexual assault, and stalking in annual campus crime statistic reports.

- The Violence Against Women Reauthorization Act (“VAWA”), which further amends the Campus SaVE Act, was signed into law on March 7, 2014 and imposes new obligations on colleges and universities under the Campus SaVE Act. VAWA requires higher education institutions to report crime statistics and disclose security-related information in several important ways: (i) it adds offenses involving domestic violence, dating violence and stalking to the crimes that institutions must report and include in their Annual Security Reports; (ii) it expands the categories of reportable “hate crimes” to include those based on bias against gender identity or national origin; and (iii) the policy statements filed as part of the Annual Security Reports must now include detailed descriptions of the institution’s internal procedures in cases of domestic violence, dating violence, or stalking, as well as descriptions of its education and prevention programs. These additional Clery Act crime reporting requirements apply to the Annual Security Reports due on October 1, 2014. Final regulations under VAWA were published on October 20, 2014, and the regulations will become effective in July 2015.

- The Dear Colleague Letter issued on April 4, 2011 (the “Apr. 4, 2011 Dear Colleague Letter”) by the Office of Civil Rights (“OCR”) division of the U.S. Department of Education regarding student-on-student sexual harassment and sexual violence explains a school’s responsibility to respond promptly and effectively to sexual violence and other forms of sexual harassment against students in accordance with the requirements of Title IX.

- Questions and Answers on Title IX and Sexual Violence, issued on April 29, 2014 by OCR, (“Apr. 29, 2014 Questions and Answers,” which together with Title IX, the Clery Act, the Campus SaVE Act and the Apr. 4, 2011 Dear Colleague Letter, will be referred collectively herein as “Title IX and Related Laws”) further

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clarifies the legal requirements and guidance articulated in the Apr. 4, 2011 Dear Colleague Letter.4

In addition to federal requirements, New Hampshire state law establishes a fiduciary duty governing the relationship between a post-secondary institution and its students in the context of sexual harassment by faculty members.5 In Schneider, the New Hampshire Supreme Court stated that it would be prudent for educational institutions to “adopt and enforce practices that will minimize the danger that vulnerable students will be exposed to [sexual harassment]”6 and to “promote the creation of an environment in which sexual harassment is not tolerated.”7

III. EXECUTIVE SUMMARY OF FINDINGS AND RECOMMENDATIONS

At each of the institutions within the University System, we observed strong leadership that is committed to making the schools safe for students, faculty, staff and the community. We also observed dynamic changes happening at each school within the University System in response to Title IX and Related Laws. The changes include responses at each campus to continually evolving compliance requirements. However, as part of this response, as discussed in further detail in Section V of this report, we believe the University System has the opportunity to distinguish itself by focusing on changing and developing the culture at each campus to prevent sexual misconduct, not simply on achieving legal compliance with Title IX and Related Laws.

Direction should continue to come from the top leadership at each of these institutions and should be consistent with the values and expectations set by the Trustees. The University System and each school within the University System should expect to dedicate significant additional

4 See Office of Civil Rights, U.S. Dep’t of Educ., Questions and Answers on Title IX and Sexual Violence (Apr. 29, 2014) (on file with author). The Apr. 29, 2014 Questions and Answers is also a “significant guidance document” under the Final Bulletin. See id. at n.1.
resources to creating a healthy school culture as well as preventing and responding to sexual misconduct. These efforts will require a broad array of individuals and departments to collectively provide effective education and training as institutional responses to incidents of sexual harassment, discrimination, sexual assault, intimate partner violence and stalking.

To promote a healthy culture and help advance behavioral changes, we recommend that the University System consider improvements to governance structure, policy, implementation, educational programs and complaint review and remediation procedures outlined in this report.

In summary, we recommend, as more fully set forth throughout this report (in *bold italics* as below):

*The Trustees create a values statement and set cultural expectations for the entire University System.*

*The Presidents and Administrators at each school implement these values and cultural expectations by establishing general behavioral expectations for students and employee.*

*The Administrators develop effective methodologies at their institution to train faculty and staff and educate students about their rights, responsibilities and expectations pursuant to Title IX and Related Laws.*

*The Administrations at each school develop a system to collect and manage data, statistics and records relating to behavioral issues and key aspects of Title IX and Related Laws including training, reporting, complaints, investigations, remediation and resolution.*

The Presidents can use this data to effectively manage the school’s culture and compliance efforts. The Trustees can use metrics based on this data to carry out their responsibility for oversight of values and a healthy culture.
The recommendations provided herein do not purport and should not be construed to
directly compare and evaluate the policies and procedures of each school within the University
System. Each of the schools within the University System is distinct and effective implementation
of any recommendations must be tailored for the individual institution. We have previously shared
these recommendations with the President of each institution. While this report provides both
specific and high level recommendations, it is not meant to provide an exhaustive discussion of
each issue nor a complete cataloguing of all existing programs and resources.

IV. THE UNIVERSITY SYSTEM BOARD OF TRUSTEES

The University System Board of Trustees (the “Trustees”) is a group of volunteers, some
appointed by the Governor, some elected by alumni of the four institutions, some elected by
students and some on whom membership is conferred by virtue of their office. The roles of the
Trustees include establishing policies and priorities of the University System, long-term planning,
mission and goal setting, financial strategy and oversight and policy level decisions. In
recommending and implementing the Trustees’ policies, priorities and goals, the Trustees rely on
the Presidents of the four institution to oversee the day-to-day programs and operations of the
specific organizations and to also work with the Chancellor, as the chief liaison to the Trustees.
Concurrently, it is the role of each President to manage his or her institutions consistent with the
direction and oversight of the Trustees.

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8 See Governance Committee of the University System of New Hampshire’s Board of Trustees, Trustee Roles and
Responsibilities (Apr. 17, 2014) (on file with author).
V. THE ROLE OF THE BOARD OF TRUSTEES IN SETTING VALUES AND OVERSIGHT OF CULTURE

The role of a Board of Trustees in maintaining a safe and healthy culture in the university setting has been the subject of much discussion and review nationwide.\(^9\) It is our view that a healthy culture within any university requires clear direction from its Board of Trustees to guide and set the tone for the university about the values and to set expectations for a healthy school culture. It is the role of the Board of Trustees to provide the direction and oversight of the culture of each institution.

Campus sexual assault is a very serious problem that must be addressed.\(^{10}\) There has been a steady flow of regulatory requirements relating to Title IX and Related Laws in matters involving sexual violence in an educational setting. Legislators at the state and federal levels have shown no signs of easing up on enacting new legislation and regulations.\(^{11}\) Along with enhanced enforcement activities by federal authorities,\(^{12}\) there has been unprecedented public scrutiny over how matters of sexual violence are handled by academic institutions. These institutions face the almost impossible dilemma of adapting traditional disciplinary systems to handle what are

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\(^{9}\) See e.g. Freeh Sporkin & Sullivan, LLP, Report of Special Investigative Counsel Regarding the Actions of The Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky (Jul. 12, 2012) at ch. 6, § II (relating to the Board’s duties and its failures of oversight and reasonable inquiry) (on file with author).

\(^{10}\) We note that the extent of the problem is itself subject to debate. See e.g. Christopher Krebs et al., The Campus Sexual Assault (CSA) Study, (Dec. 2007) at § 5.1 stating that 1 in 5 women are victims of sexual assault in college; but see Glen Kessler, One in Five: An Update on this Statistic, The Washington Post Fact Checker (Dec. 17, 2014), http://www.washingtonpost.com/blogs/fact-checker/wp/2014/12/17/one-in-five-women-in-college-sexually-assaulted-an-update/, questioning the 1 in 5 statistic.

\(^{11}\) See e.g. the Bipartisan Campus Accountability and Safety Act, S. 2696, 113th Cong. (2014), https://www.congress.gov/bill/113th-congress/senate-bill/2692/text?q=%7B%22search%22%3A%5B%22Bipartisan+Campus+Accountability+and+Safety+Act%22%5D%7D; see also Kathleen Ronayne, ‘Yes means yes’ Sex Assault Bill Filed by Hampton Rep., Seacoast Online (Oct. 8, 2014), http://www.seacoastonline.com/article/20141008/NEWS/141009296.

essentially criminal matters. There are already civil lawsuits being filed by one or both parties involved in disciplinary matters at schools across the nation, and many more will follow. Understandably, colleges and universities nationwide are expending significant time, energy and funds on efforts to understand and comply with the requirements of Title IX and Related Laws.

While these efforts at compliance are necessary and appropriate, it is our opinion that schools which focus primarily on compliance with Title IX and Related Laws are facing a Sisyphean task. Updating campus policies and procedures to align with ever-changing federal recommendations and guidance is advisable as one measure to help advance best practices. However, such compliance efforts are essentially a reactive process driven by external forces. Over-reliance on legal compliance has an inherent focus on the avoidance of risk and, without more, will not create or promote a safe and dynamic campus culture free from harassment and discrimination. Significant proactive change must be driven by internal forces and will come about only by an institution developing and maintaining a healthy school culture. To achieve a healthy and safe campus culture, each school must identify the complex issues that underlie sexual misconduct and strive to change the behaviors that lead to sexual misconduct on campus. As schools have a mission to educate and develop good citizens, they are uniquely qualified to shift the balance of their energies from avoidance of risk to achievement of significant cultural change.


This type of cultural change is a long-term process that requires coordinated and consistent leadership from the top. It requires clear cultural expectations and direction from the Trustees, which sets and oversees the values of the school. Equally important is strong leadership from school Presidents and administrators who implement the institution’s values and cultural expectations through clear behavioral standards that apply to everyone in the community. Culture is shaped by behaviors. Cultural change will only occur when there is behavioral change.

We recommend that the University System “Trustee Roles and Responsibilities,” as amended April 17, 2014, be updated to better reflect the duties and intentions of the Trustees with regard to establishing and overseeing healthy cultures in each of the four institutions. The document outlines the duties and core responsibilities of the Trustees with regard to the University System’s mission and vision. Indeed, the Mission and Vision statements appear on the USNH website under the Board of Trustees just ahead of the section on the Trustees.

We recommend adding a “Values” statement that focuses on the Trustees’ expectations for a healthy and safe school culture. We also recommend that the duties listed under “Role of a Trustee” include references to the duty of oversight of the University System’s culture. This duty is consistent with the fiduciary duty to protect students from sexual harassment cited in Schneider and with the fiduciary duty to protect the assets of the University System, as its good reputation is one of its most valuable assets. Currently, for example, there is a reference on the USNH website to the Trustees duty to: "Carry out fiduciary responsibilities through policy development and oversight of the University System, ensuring adequate financial resources to fulfill the institutional missions." We recommend a similar reference to policy development and oversight relating to fulfilling the institutional values. The Trustees should ensure that the culture of the University System is aligned with its stated values. One of the Trustees Core
Responsibilities is to: "Participate in the development and adoption of System and Institution mission statements." We recommend adding reference to developing and adopting “values” statements. There is also reference to the responsibility of the Trustees to "Maintain the educational integrity of the System and component institutions” in regard to financial oversight, institutional missions, establishing long-term direction and reviewing and approving long-range strategic plans. We recommend adding references to the Trustees’ role in the oversight of culture, setting institutional values, establishing expectations for a safe and healthy culture and approving behavioral standards.

A coordinated and integrated approach is crucial to developing and monitoring healthy cultures in each institution. To assist the Trustees in their oversight role, we recommend that each President provide the Chancellor and the Trustees key metrics relating to the health and safety of each school community at regular intervals. We recommend that the Trustees identify an existing committee and add to its mandate the responsibility of requesting and evaluating these key metrics and reporting to the entire group of Trustees on a regular basis, or as needed.

VI. RECOMMENDATIONS ABOUT STRUCTURE

A. Federal Guidance On The Role Of The Title IX Coordinator

According to the 1997 Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, set forth by the OCR ("1997 Guidance"), “[a] school must designate at least one employee to coordinate its efforts to comply with and carry out its Title IX responsibilities.”¹⁵ OCR reiterates this guidance in the Apr. 4, 2011 Dear Colleague Letter directing all educational institutions that receive federal funding to designate a Title IX

Coordinator and to “notify all students and employees of the name or title and contact information of the person designated to coordinate the recipient’s compliance with Title IX.”\(^\text{16}\) An educational institution, especially a large institution like those within the University System, may choose to identify more than one Title IX Coordinator. When doing so, however, OCR recommends designating one Title IX Coordinator with ultimate oversight responsibility:

> While a school may choose to have a number of employees responsible for Title IX matters, it is also advisable to give one official responsibility for overall coordination and oversight of all sexual harassment complaints to ensure consistent practices and standards in handling complaints.\(^\text{17}\)

Again, OCR reiterates this guidance in the Apr. 4, 2011 Dear Colleague Letter:

> If a recipient designates more than one Title IX coordinator, the notice should describe each coordinator’s responsibilities (e.g., who will handle complaints by students, faculty, and other employees). The recipient should designate one coordinator as having ultimate oversight responsibility, and the other coordinators should have titles clearly showing that they are in a deputy or supporting role to the senior coordinator.\(^\text{18}\)

The Apr. 29, 2014 Questions and Answers provides a further description of the Title IX Coordinator responsibilities:

> A Title IX coordinator’s core responsibilities include overseeing the school’s response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.\(^\text{19}\)

According to the OCR, the role of the Title IX Coordinator is to oversee the centralized review, investigation and resolution of reports of sexual harassment and misconduct pursuant to the institution’s complaint processes. To date, federal law does not mandate or provide specific

\(^{16}\) Apr. 4, 2011 Dear Colleague Letter at 7.  
\(^{17}\) 1997 Guidance, Prompt and Equitable Grievance Procedures.  
\(^{18}\) Apr. 4, 2011 Dear Colleague Letter at 7.  
\(^{19}\) Apr. 29, 2014 Questions and Answers at 11.
guidance recommendations on the organizational placement of the Title IX Coordinator within a university structure.

The Title IX Coordinator must have adequate training and continuing education on what constitutes sexual harassment and sexual violence, and must thoroughly understand how each school’s complaint and remedial procedures work. In addition, the Title IX Coordinator should have: (a) ultimate oversight responsibility for the regular, structured, consistent and continuing Title IX related training of the faculty and staff and the educational programming for the students regarding rights, responsibilities and compliance under Title IX, including documentation of completion; (b) responsibility for staying current on law and regulations regarding Title IX through reading and attending of conferences; and (c) responsibility for making sure the school is compliant with the federal guidance and relevant laws.

Finally, as specified in the Apr. 4, 2011 Dear Colleague Letter, for each institution, the Title IX Coordinator’s role and responsibilities should be clearly defined and contact information should be easily accessible to students, faculty and staff. Our review of the websites for each of the schools did not reveal any descriptions of the Title IX Coordinator’s job responsibilities. By way of example, the responsibilities of the Dartmouth Title IX Coordinator are clearly set out on the website:

“[XX] is the Title IX Coordinator. Her responsibilities include: providing overall leadership in relation to campus climate and gender; coordinating education and training campus-wide on sex discrimination and sexual misconduct; tracking and monitoring incidents of sex discrimination and sexual misconduct; and providing information on options for complaint resolution.

B. Designation Of Deputy Title IX Coordinators

Given the extensive responsibilities of the Title IX Coordinator, each school should consider designating Deputy Title IX Coordinator(s) to serve in supporting roles to the Title IX Coordinator and to assist in providing the services outlined above. The Deputy Title IX Coordinators may be designated based on several considerations, including the function and supervisory responsibilities of the assigned position (e.g., athletics, resident life, student affairs), the constituency served by the coordinator (e.g., faculty and staff or students) or the physical location where services are needed (e.g. UNH Manchester, UNH School of Law or the various campuses of GSC). The goals in designating Deputy Title IX Coordinators are (i) to provide sufficient representation across a school’s population to allow campus constituents to easily access a trusted individual within their sphere of interaction, (ii) to provide targeted representation to assist in the effective delivery of educational programming and (iii) to maintain consistency and coordination of both the message and delivery of services and educational programming.

Regardless of the structure, each Deputy Title IX Coordinator should have a clearly defined role that is stated on the website and in materials, and each school should develop protocols to better promote timely coordination of information and prompt responses to complaints. Given the challenges of a large state university with multiple campuses (UNH) and a commuter school with multiple locations (GSC), the use of thoughtfully placed Deputy Title IX Coordinators can help to ensure that appropriately trained individuals are available to receive reports of Title IX related misconduct, provide information as to resources and procedural options, meet with complainants and respondents, and facilitate access to interim remedies and measures. KSC and PSU may each want to consider Deputy Title IX Coordinators for students, athletics, graduate students, and employees.
C. Maintenance Of Title IX Records

An important function of the Title IX Coordinator is to develop a database to receive, review and maintain records of all Title IX related complaints to identify and address any systemic problems and coordinate the institution’s compliance with Title IX. According to the 1997 Guidance, “[c]oordination of recordkeeping (for instance, in a confidential log maintained by the Title IX coordinator) will also ensure that the school can and will resolve recurring problems and identify students or employees who have multiple complaints filed against them.”

The recent Resolution Agreement entered into by the University of Montana-Missoula, the U.S. Department of Justice, Civil Rights Division, Educational Opportunities Section and OCR dated May 9, 2013 (the “Missoula Resolution Agreement”) outlined the type of information that should be maintained in an “electronic, confidential database” and includes “the name(s) of complainant or anonymous; name(s) of accused; date and nature of complaint; name(s) of person(s) assigned to investigate complaint, take interim measures and bring disciplinary charges (where relevant); any interim measures taken (if any); the date of findings; the date of any hearings; date(s) of any appeals; and a summary of findings at the initial, hearing, and appeal stages including any actions taken on behalf of the alleged victim and any disciplinary or other actions taken against the accused.”

In addition to the electronic database, the Missoula Resolution Agreement required, at a minimum, that the Title IX Coordinator maintain records of all complaints, investigations, findings, the basis for those findings, and appeals, including, but not limited to: the complaint; the names of the complainant (if available), the accused, and witnesses; any statements or other

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22 1997 Guidance, Prompt and Equitable Grievance Procedures.
23 Resolution Agreement Among the University of Montana - Missoula, and U.S. Dep’t of Justice, Civil Rights Division, Educational Opportunities Section and the U.S. Dep’t of Educ., Office for Civil Rights, OCR Case No. 10126001, DOJ DJ No. 169-44-9 (May 9, 2013) (on file with author).
evidence submitted or collected; interview notes; correspondence relating to the investigation; actions taken on behalf of the alleged victim(s) of sex discrimination; actions taken against the accused, including any temporary measures (e.g., temporary eviction from University housing); records of any discipline or proposed discipline; records of findings communicated to the parties; and records of any appeals.\textsuperscript{24} While not binding on the University System, resolution agreements offer guidance regarding the OCR’s expectations for those universities that have been subject to a formal inquiry by OCR. \textit{We recommend that each of the schools in the University System consider utilizing a database system that will allow the coordination, collection and maintenance of this information among the appropriate departments on campus.} This database will enable the schools to report useful metrics to the respective Presidents and then to the Trustees to assist with their oversight functions.

D. Specific Recommendations For Title IX Coordinators In The University System

1. UNH

At UNH, the Title IX Coordinator is also the Director of Affirmative Action and Equity (“AAE”). Based on a recent shift in reporting structure, the Title IX Coordinator reports to the Director of Human Resources, who reports to the President. We understand that the Title IX Coordinator has been integrally involved with all aspects of past Title IX investigations, including conducting investigations personally. In light of the increased responsibilities placed on Title IX institutions by recent legislation and regulations, we recommend that UNH consider modifying the Title IX Coordinator’s job description to serve in an oversight and advisory role, providing guidance with respect to UNH’s response, rather than serving as the individual who investigates complaints, determines policy violations, imposes the sanction or decides an appeal. The prior

\textsuperscript{24} Missoula Resolution Agreement at §§ VI. B and C.
investigative and enforcement functions assigned to the Title IX Coordinator created challenges and placed limitations on the Title IX Coordinator’s overall supervisory role. By assuming a broader oversight role, without direct involvement investigating individual matters, the Title IX Coordinator can serve as an active team member, facilitate communication and adherence to policies and timeframes, and assure equity, fairness and impartiality in the Title IX response. With respect to the chain of command and reporting structure, the Title IX Coordinator may directly supervise Title IX investigators, adjudicators, Deputy Title IX Coordinators and other implementers. However, there is always a possibility of a situation where the Title IX Coordinator is required to oversee actions taken by an individual who structurally is in a position of authority or power over the Title IX Coordinator which could create concerns about the independence of the Title IX Coordinator role. To the extent that such a situation ever arose, UNH should have a process for the Title IX Coordinator to have direct access to a higher level administrator independent of the subject of the investigation.

We recommend that UNH consider reevaluating the job description of the Title IX Coordinator so that the Title IX Coordinator would have primary responsibility for oversight of all aspects of the process, procedures and compliance relating to Title IX and Related Laws for the entire University of New Hampshire (UNH Durham, UNH Manchester and UNH School of Law). Specifically, we recommend that the Title IX Coordinator have the responsibility of coordinating among the Title IX office, the UNH Police Department and other campus resources with respect to the following actions relating to a potential Title IX incident: (a) the intake of the initial report; (b) the assignment of the investigation to an investigator; (c) appropriate interim safety steps necessary to protect and support the complainant, such as referral to the on campus Sexual Harassment and Rape Prevention Program (generally known as “SHARPP”), the
Counseling Center, the Health Center or to Wentworth Douglas Hospital, appropriate housing accommodations for the victim or the accused, altering class schedules and arranging for restraining order where appropriate; (d) the investigation, remediation and follow up; (e) the protection of the complainant from any potential retaliation by the respondent or friends of the accused/respondent; (f) compliance with the Clery Act reporting requirements; and (g) the internal centralized reporting and documenting of the incident for institutional knowledge.

2. PSU

The Apr. 29, 2014 Questions and Answers counsels Title IX coordinators to avoid other job responsibilities that may create a conflict of interest in overseeing Title IX responsibilities.\(^{25}\)

*We recommend that PSU evaluate the role of the Dean of Students serving as Title IX Coordinator.* As the university’s main disciplinary authority, the Dean of Students responds to the informational and personal concerns of students and oversees the protection of student rights. Having one individual serve as both Title IX Coordinator and as Dean of Students may create the appearance of a potential conflict for the impartial oversight of the Title IX sanctioning process.

3. KSC

At the time of our review, KSC was in the process of evaluating the Title IX Coordinator role and considering the potential hiring of a new Title IX Coordinator. *We recommend that the Title IX Coordinator work with Title IX Investigators and any Deputy Title IX Coordinators and have primary responsibility and oversight of training, record keeping, investigations, resolution and remediation of Title IX cases. We also recommend that the Title IX Coordinator be the same for faculty/staff and students.* The qualifications of the Title IX Coordinator should include excellent oral and written communication skills, experience and training in the dynamics of sexual

\(^{25}\) See Apr. 29, 2014 Questions and Answers, Section C-4 at 11.
harassment and sexual violence. The Title IX Coordinator must occupy a position of respect and authority on campus. The Title IX Coordinator should also have a strong background in working with students. In particular, we note the following considerations:

a. The Title IX Coordinator should report directly to the President or another senior level administrator to reflect the KSC’s commitment to the independence of the position.

b. The Title IX Coordinator should oversee KSC’s centralized review, investigation and resolution of reports of sexual harassment and misconduct under KSC’s complaint processes to coordinate KSC’s compliance with Title IX and Related Laws.

c. The Title IX Coordinator should provide oversight of KSC’s investigation, conduct or grievance procedures, adjudication, sanctions and appeals.

d. The Title IX Coordinator should receive, store, and review all complaints to identify and address any systemic problems, including developing a database or other system to collect and evaluate the information set forth in Section VI.C herein.

4. GSC

At the time of our review, GSC had internally designated the Director Of Student Affairs as the Title IX Coordinator for GSC, but the name and contact information of the Title IX Coordinator is not available on the website or in any documentation we reviewed. Consistent with OCR guidance, GSC should to make the name, contact information and responsibilities available to the entire GSC community. **We recommend GSC consider the appointment of Deputy Title IX**
Coordinators at each of their satellite campuses in order to better coordinate the implementation of the role of the Title IX Coordinator for the school.

VII. POLICIES

A. Faculty And Staff Policies Regarding Title IX

One of the most crucial policies with respect to establishing a safe school culture and one that has received much attention nationally, is the question of who on campus is a “mandated reporter” of information about a Title IX violation.

The Apr. 29, 2014 Questions and Answers guidance from the OCR gives each school limited discretion in determining whom is a “mandated reporter” for purposes of Title IX.26 Consistent with the fiduciary duty referenced in the Schneider case,27 each school within the University System has emphasized the importance of all faculty and staff reporting incidents of harassment of students by faculty or staff to the appropriate internal administrators. While the Schneider case related to violations of Title IX perpetrated by a professor on a student, the goal of promoting “an environment in which sexual harassment is not tolerated”28 applies to student on student harassment as well. Our review indicated that the majority of the faculty and staff within the University System do not have clear guidance on their responsibility to create a safe environment by reporting situations of student on student misconduct, either in their policy handbooks or through training. There is currently uncertainty as to who is a mandated reporter, what triggers the duty to report and to whom they must report.

26 See Apr. 29, 2014 Questions and Answers, Section D “Responsible Employees and Reporting” at 14.
27 “The relationship between students and those that teach them is built on a professional relationship of trust and deference, rarely seen outside the academic community….we conclude that this relationship gives rise to a fiduciary duty on behalf of the defendants to create an environment in which the plaintiff could pursue her education free from sexual harassment by faculty members.” Schneider v. Plymouth State College, 144 N.H. 458, 463 (1999).
28 Id.
We recommend that each school within the University System build on the duties articulated in the *Schneider* case to clarify and coordinate the reporting responsibilities for all of its employees, to integrate the multiple reporting requirements under the Clery Act (“campus security authority”) and Title IX (“responsible employee”).

Effective compliance with any policy is more likely to occur when policies and processes are clear, consistent and simple, allowing for training that is clear, consistent and simple. *We recommend that, with regard to internal reporting of sexual harassment or discrimination, each school within the University System create two categories of employees: (1) those with “privileged confidentiality” under the law due to their professional license, who are in safe havens from mandated reporting, and (2) mandated reporters, including all faculty and staff without “privileged confidentiality” under the law.* This bifurcated structure eliminates ambiguity about who is a mandated reporter and reduces the likelihood that a faculty or staff member will have information about Title IX misconduct and risk to the community that is not communicated to the institution and therefore not addressed. Conversely, it increases the likelihood that all reports involving sexual harassment or misconduct will be shared with the school’s Title IX office and/or the local police department for prompt and equitable assessment, investigation, and resolution of reports based on consistent standards designed to eliminate the harassment, prevent its recurrence and address its effects.

At UNH, President Huddleston has concisely expressed his support of this structure in his response to the various UNH Commissions who had raised concerns about all faculty being “mandated reporters.” His letter clearly states the values and expectations of the UNH community and provides the basis of the reporting policy going forward. His letter states, in part:

“[T]he University does have an obligation to act upon reports of sexual violence that are made to virtually all
faculty and staff (with the exceptions of those staff serving in roles with SHARPP, the Counseling Center and Health Services who are prohibited from such disclosures by statute or professional standards and who are exempt from reporting most incidents of sexual violence).”

At PSU, the new Dean of Students has taken responsibility for Title IX and Related Laws. During our review, the Dean of Students indicated that he and his team want to move forward and “establish a culture of reporting” by the faculty and staff.

At KSC, we were told that there is confusion and disagreement among the faculty about what they could and could not share with administrators due to FERPA and other federal laws beyond Title IX and Related Laws. We also noted that the KSC Faculty Handbook states, “All members of the campus community share responsibility for preventing and reporting discrimination and harassment, cooperating in any investigation which might result, and maintaining confidentiality.” (emphasis added) This statement and any others like it should be reviewed, as it could be confusing with respect to the meaning and limits of confidentiality imposed on the faculty.

B. Standard Of Notice For Reporting Title IX Violations

It is concerning that each of the Investigative Reports found that a responsible employee failed to act immediately despite becoming aware of potentially harmful or discriminatory behavior by an employee towards students. The common theme for the delay was that the employee did not know when or if they had “enough” information to make a report to an


30 See Dep’t of Campus Safety, Keene State College, Campus Crime and Fire Safety Report (2014) at 18 (on file with author).
Each school must clarify what triggers the duty to report a Title IX violation. The OCR deems a school to have “notice of student-student sexual violence if a responsible employee knew or in the exercise of reasonable cares should have known.” Some examples of policy “trigger” levels for mandated reporting are a “suspicion,” a “belief” or “knowledge” that a violation has occurred or has been reported.

We note that there is not a clear written policy on mandated reporting at any of the schools within the University System. Each of the schools has pockets of guidance on mandated reporting in their respective publications. For example, at UNH, there is an acknowledgement form given out by the Counseling Center, which states that, pursuant to UNH policy “all employees except those offices with privilege communication (including the Counseling Center, Health Services and SHARPP) must report incidents of sexual assault to the UNH Chief of Police and incidents of sexual harassment to the Affirmative Action Office.” Furthermore, the current UNH ASR contains a flow chart developed by the AAE Office that directs all faculty and staff to “immediately notify” the UNH Police Department or the AAE Office of a report of possible Title IX incident. The Investigative Reports reveal that much more guidance and training is warranted on the reporting responsibilities of employees within the University System.

We recommend that each school create consistent and clear communications about mandated reporting to eliminate confusion about reporting and build trust in the response processes, including setting expectations regarding privacy and autonomy for a complainant in reporting incidents of sexual assault.

31 See Apr. 29, 2014 Questions and Answers, Section A-4 at 2.
33 See Counseling Center, Univ. of N.H., Information and Acknowledgment Form (Jul. 2014), attached hereto as Exhibit B.
In furthering this goal and as discussed more fully in Sections VII and VIII, each school should provide education to students and training to faculty and staff about the option of utilizing the confidential resources on campus (the Health Center, the Counseling Center and at UNH, the rape crisis counselors at SHARPP) or off-campus partnership (at PSU, Voices Against Violence) and the reporting obligations of everyone else. These efforts will assist campus constituencies in making informed choices as to how or whether to report to a school employee who will be required to share the report with the Title IX Coordinator or the local police department.

We also recommend that each school review its amorous relationship policy, to the extent it has one. It is important that the faculty and staff (including coaches and assistant coaches) are made aware of the existence of any such policy through regular training. There is an amorous relationship policy listed in the UNH web site, however, few people we met with were aware of it.

C. Student Policies

1. Websites

We reviewed the website for each school with the mindset of a student in the midst of a sexual assault crisis (either their own or a friend’s) looking for information on their options and resources. We found that the policies, procedures and processes related to Title IX and Related Laws are difficult to locate on the websites for each school within the University System. We understand that there are various ways (electronic and otherwise) that students receive information on Title IX and Related Laws at the beginning of the year in compliance with federal law. Online information should be clear and easy to find because a student in crisis, or a student or employee who is assisting someone in crisis, may go to the school’s website to look for guidance and direction. We note that PSU has a separate “Title IX page” (https://www.plymouth.edu/titleIX-sexual-assault/), which is excellent, but this page is hard to find from the main home page without knowing the exact page name. At UNH, the Counseling Center at UNH has a “Get Help Now”
button on their page. *We recommend either a similar button on a main page or a separate, easy to locate page which covers Title IX and Related Laws for each of UNH, PSU, KSC and GSC.*

2. **Handbooks And Annual Security Reports**

The Title IX and Related Law information available online should all be consistent and align with the language from each of the school’s handbooks and Annual Security Reports. Title IX and Related Law policies and procedures should be written in language that is non-judgmental, easily understandable, and well organized by concept and theme and should be widely distributed and easily accessible to students, faculty and staff in both written and electronic form. We reviewed the various publications from each school and found several areas where they are not consistent. Moreover, the written materials do not provide clarity as to the policies and, importantly, the process for filing a Title IX complaint and what a student can expect to happen when such a complaint is filed. Our recommendations are not an exhaustive list but demonstrate the types of modifications we recommend in order to fully implement the regulatory guidance, to incorporate the impact of the unique dynamics of sexual harassment, sexual violence, intimate partner violence, stalking and related trauma, and to enhance ease of access, readability, clarity and consistency. *We recommend the use of a flow chart in all cases where a flow chart might more clearly and consistently convey the options and the procedures being discussed.*

a. **UNH**

We recommend that UNH review its Discrimination and Discriminatory Harassment Policy (UNH DDHP), relevant portions of the Student Rights, Rules and Responsibilities (UNH SRRR) and the relevant portions of the Annual Security Report (UNH ASR) dated October 1, 2014 to align these policies with the law, institutional practice and to ensure consistency among them. In particular, we recommend that UNH provide information in writing as to how these policies
intersect with one another, and direction as to which policy would apply to a
student, faculty or staff member, either as a complainant or a respondent. It may be
appropriate to combine the policies into one uniform policy that applies to all
community members and all forms of discrimination and harassment.

In addition, we recommend that UNH consider reviewing the UNH
Manchester (“UNHM”) Student Right, Rules and Responsibilities guide and the
UNH Law School Handbook and expanding upon the contact information and
responsibilities of Title IX Coordinator (and any Deputy Title IX Coordinator for
those campuses that may be appointed in connection with our recommendation in
Section VI. B), in addition to including the process and procedures surrounding a
Title IX complaint. Currently the UNHM handbook is an “insert” to the main UNH
SRRR, but it does not contain any Title IX information that is specific to UNHM.
There is just one reference to the UNH Title IX Coordinator and that person is
referred to with the AAE title. The UNH SRRR is referred to on the UNHM
website, but a UNHM student may not know to look there for information on these
issues, particularly in a crisis situation. There is almost no information on Title IX
in the UNH Law School handbook. If UNH were to create a separate Title IX page
on its website it would have the benefit of, among other things, making the name
and contact information of the Title IX Coordinator clearer and more accessible, as
well as expanding on the process and procedures surrounding a Title IX complaint
at those satellite campuses. Additional specific changes and conflicting statements
with references for UNH are attached as Appendix IV.
b. PSU

The PSU Annual Security Report that is on the PSU website is a chart that lists out the crimes that have occurred on campus. As discussed in Section D.2 below, it should include definitions of key terms, description of how to file a complaint, description of disciplinary proceedings and prevention awareness programs.

c. KSC

We found the KSC Title IX and Related Law policies and procedures difficult to find and understand on the website and in the written materials. The KSC Discrimination and Discriminatory Harassment Policy (“KSC DDHP”) sets forth the process to make a report of sexual discrimination or sexual harassment and describes the intake procedure and process for handling informal and formal complaints. The KSC Student Handbook has a “Sexual Misconduct Policy” section, which contains definitions, contact information and resources. However, the information in the KSC DDHP and the KSC Student Handbook is not consistent. For example, the KSC DDHP refers to “Intake Officers” as whom to make a report to and the KSC Student Handbook says “[a]ny person who has been the victim of or witness to a sexual assault whether on or off campus can report directly to the Department of Campus Safety, a Residential Life staff member, any College official or the Keene Police Department.” This latter statement is consistent with the language found in the KSC Annual Security Report, which also refers to “Campus Security Authority.”34 The conflicting information found in

34 See Campus Crime and Fire Safety Report, Keene State College, Dep’t of Campus Safety (2014) at 18.
these sources would be confusing to a student in crisis looking for clear guidance and direction, whether for themselves or on behalf of a friend.

d. GSC

We recommend that the “Grievance Policy and Procedures” in the GSC Student Handbook should be reviewed and revised to reflect any specific policies, procedures and time frames for Title IX and Related Law complaints as distinct from other complaints. For example, the procedure states currently that any complaint can be reported to the Dean of Students and then sets forth an informal resolution process. \(^35\) Should that process be “unsuccessful,” the policy states that “the student has 3 months after the student knew, or should have known of the alleged violation, in which to file a grievance.” \(^36\) This procedure is appropriate for general complaints, but for complaints related to sexual discrimination or harassment, it is not compliant with the requirements of Title IX and Related Laws due to the initial informal process and the subsequent limit on the time frame in which the student could file a formal complaint. We recommend GSC establish and publish the specific procedures unique to Title IX complaints that comply with Title IX and Related Laws.

D. Overall Recommended Changes To The Policies

1. Recommendations For Policy Changes For The University System

a. Consider requiring background checks on all employees, including work-study students, graduate assistants and assistant coaches. To offset the cost,
consider requiring applicants to pay for their own background check as permitted under New Hampshire law.\textsuperscript{37}

b. Consider requiring all third party contractors/vendors that contract with a school to provide the school with background checks on all of the employees that will be working on a University System campus.

c. Expand the definition of stalking in all guides to include cyber-stalking.

d. Include a statement about amnesty. The concept is to provide amnesty for violations of the student conduct code related to the personal ingestion of alcohol or other drugs so that a sexual assault can be reported without fear of being punished for violating the student code of conduct.

e. Clarify the obligation of supervisors to report sexual harassment and sexual misconduct in the employee handbooks and discrimination and harassment policies to assure that: the definition of supervision adequately describes or identifies the individuals on campus who are required to share reports with the respective Title IX office and/or Police Department; all reporting obligations are integrated and clearly communicated (Title IX, Title IV, Campus SAVE Act, Clery Act, VAWA and child abuse mandatory reporting); and the parameters are clear about what information must be shared and with whom.

f. Each of the policies should contain a robust statement that retaliation is prohibited, a definition and description of retaliation, including an

\textsuperscript{37} See N.H. Rev. Stat. Ann. § 189:13-a(IV) (2014) (stating that applicants may be required to pay the actual costs of the criminal history records check. Although, this statute applies to public high schools, it would seem to also apply to public colleges).
explanation that the standard is based on whether a reasonable person would perceive actions to be retaliatory rather than the intent of the accused.

g. Include a section that outlines the distinction between privacy and confidentiality in each school’s handbooks and Annual Security Report.

h. Include a prohibition against the use of prior sexual history of the complainant and an explanation of the very limited circumstances and procedures when prior sexual history of the complainant can be used in the adjudication process in the respective school’s handbooks and Annual Security Report.

2. We Have The Following Recommendations For Specific Updates To Handbooks To Comply With Recent Laws, Including Recent VAWA Amendments:

a. Make appropriate revisions and updates to the Annual Security Report relating to the requirements regarding: (i) maintaining statistics about the number of incidents of dating violence, domestic violence, sexual assault and stalking, (ii) adding gender as a categories of bias for the purposes of Clery Act hate crime reporting, (iii) including the number of “unfounded” crime reports and (iv) describing the ongoing prevention and awareness campaigns for students and employees. These ongoing awareness programs must include the same information as the institution's primary prevention and awareness program.

b. Include the definitions of the terms “proceeding” and “result,” “awareness programs,” “bystander intervention,” “ongoing prevention and awareness campaigns,” “primary prevention programs,” and “risk reduction.”

c. The Annual Security Report should: (i) describe each type of disciplinary proceeding used by the school, including the steps and anticipated timelines, (ii) provide a statement of the standard of evidence that will be used
during any institutional disciplinary proceeding and decision-making process for each type of disciplinary proceeding; (iii) describe clearly how to file a disciplinary complaint and how the school determines which type of proceeding to use based on the circumstances of the allegation. As mentioned earlier, a flow chart may be of assistance in describing these proceedings and timelines.

d. List all of the possible sanctions that the school may impose pursuant to the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking.

e. Describe the range of protective measures that the school may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking.

f. Revise categories of bias for the purposes of Clery Act hate crime reporting to add gender identity and to separate ethnicity and national origin into separate categories.

g. Specify that compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. §1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 “FERPA.”

We remain available to provide specific recommendations for revisions to policy, including suggested language and additional discussion for each of the policy recommendations.

VIII. EDUCATION OF STUDENTS

We recommend that each of the schools within the University System pay close attention to the education of students on Title IX and Related Laws as it is a particular area of focus for federal legislators and recently, some state legislators.\(^39\)

A. Federal Requirements – Prevention And Awareness Training Programs

In October 2014, new VAWA federal regulations were enacted and require institutions to provide incoming students and new employees with “primary prevention and awareness programs” that promote awareness of dating violence, domestic violence, sexual assault, and stalking.\(^40\) These programs must include: a statement that the institution prohibits these offenses; the definitions of these terms in the applicable jurisdiction; the definition of “consent,” in reference to sexual activity in the applicable jurisdiction; a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution’s policies and procedures after a sex offense occurs. Furthermore, the new regulations require institutions to provide ongoing prevention and awareness campaigns for students and employees. These campaigns must include the same information as the institution’s primary prevention and awareness program. The

\(^{39}\) An Act Concerning Sexual Assault, Stalking and Intimate Partner Violence on Campus, Public Act 14-11, Gen. Assemb. (Conn. 2014), http://www.cga.ct.gov/2014/ACT/pa/pdf/2014PA-00011-R00HB-05029-PA.pdf. In summary, Connecticut institutions of higher education must now provide annual primary prevention and awareness programming to all students, and in response, the University of Connecticut at Stamford is adding sexual assault awareness presentations to its list of core curriculum for college freshmen. See id. The school has partnered with the Center for Sexual Assault Crisis Counseling and Education, based in Stamford, who will provide two sexual assault awareness presentations on campus during the fall session. See Tom Renner, UConn-Stamford Adds Lessons on Preventing Sexual Assault (Oct. 12, 2014), http://stamford.dailyvoice.com/schools/uconn-stamford-adds-lessons-preventing-sexual-assault. Attendance and participation at this session is mandatory for the 150 students enrolled in “First Year Experience” courses but it is also open to the entire student body. See id.

\(^{40}\) See 79 Fed. Reg. 62,752 at 62,785 (to be codified as 34 C.F.R. § 668.46(b)(11)).
regulations also require institutions to follow up with in-person training incorporating bystander intervention.\footnote{See id. at 62,788 (to be codified as 34 C.F.R. 668.46(j)(i)(D)).}

While each school has taken steps toward implementing the required prevention and awareness training programs, we concluded at the time of our review that education on Title IX and Related Laws was often ad hoc and in need of coordination and leadership. We found multiple pockets of support throughout the schools for coordinated Title IX related educational programs. For example, the UNH Athletic Department has development of a class on Title IX and Related Laws as a goal in their strategic plan. Similar courses have received strong support at UNH in the past, but have not been implemented due to lack of sponsorship by key participants. We recognize that creating and coordinating effective courses, whether or not for credit, will be a challenge. One concern raised by some people with whom we met is that teaching what they referred to as “life skills” lacks academic rigor and therefore should not be offered for credit. Another difficulty is getting agreement on course content and substance. There are outstanding questions about which faculty or staff should teach such a class. Also, some people expressed concerns that the addition of such courses, especially non-credit courses, will take valuable time away from other subjects for the students and other duties for the faculty. Despite these challenges, federal law mandates that all universities develop ways to provide this education for students. We encourage UNH, PSU, KSC and GSC to capitalize on the skills of their very talented faculties, some of whom are nationally recognized experts on these subjects, to develop effective education on key issues involved in Title IX and Related Laws. A course overview would include topics such as consent, recognition of forms of sexual harassment and discrimination, the link
between sexual misconduct and alcohol, bystander intervention, the process for reporting a complaint, and the relevant law.  

B. Student Education Programs At UNH

1. Online Student Education At UNH

UNH recently required all incoming first year and transfer students to complete an online training module titled “Creating a Safe Campus at UNH,” which covers “federal and New Hampshire law and UNH rights, rules, responsibilities and resources concerning sexual violence, including sexual harassment, sexual assault, and unwanted sexual contact, dating violence, domestic violence and stalking.” After distribution of the training module, Vice President for Student and Academic Services Mark Rubenstein tracked student completion and sent three follow-up emails reminding students to complete the online training. Eighty five percent (85%) of the UNH students that were sent the online training module completed the training. We encourage such initiatives and recommend that UNH explore ways to increase the response rate for this type of survey, such as linking completion of this module to something the incoming student needs or desires for their campus daily life.

2. Live Student Education At UNH

In addition to the online training module, UNH offers several live education opportunities that warrant recognition and replication. UNH provides Mentors in Violence Prevention (“MVP”) to student athletes through the Athletic Department. The Memorial Union Building staff regularly

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42 See e.g. Missoula Resolution Agreement at § VIII(D) for a good summary of a course overview. According to the Resolution, a class should provide “an overview of Title IX and Title IV and the rights they confer on students, the resources available to students who have experienced sexual assault, sexual harassment and retaliation, and the role and authority of the United States to enforce Title IX and the Department of Justice’s authority to enforce Title IV.” Id.

43 A copy of this online training module is attached hereto as Exhibit C.
brings in performance groups and as described in the ASR, SHARRP sponsors a robust year-long calendar of events related to sexual assault and prevention awareness on campus.  

While these individual programs are excellent, they do not provide a broad based, coordinated and consistent education program for students contemplated by recent federal education requirements enacted under VAWA. UNH already has in place many opportunities for providing this education to certain populations of students. The Paul School has a one-credit course, called “Freshman Academic Experience” which is described as “[a]n introduction to the nature of academic knowledge, academic standards, and academic management skills essential for success in UNH and the Paul College.” UNH Manchester offers First Year Experience (“FYE”), which is described as: “[t]he cornerstone upon which you learn what it means to do university-level work, how to use campus resources, and how to get involved in opportunities on-campus and in the City of Manchester. It is comprised of multiple experiences for students to participate in workshops, student life, research opportunities and community conversations. At its core, FYE programs encourage students to seek intellectual and social competence.” To the extent Title IX and Related Laws are not already included as topics covered in these classes, consideration should be given to incorporating them.

C. Education Programs At PSU

PSU recently used its first year seminar courses to educate students on Title IX and Related Laws. Working in cooperation with the faculty member responsible for overseeing the first year seminar program (“PSU-FYS”), the Title IX Coordinator at PSU reviewed the federal mandates, 

evaluated PSU’s ideas for seminar content and oversaw the implementation of Title IX and Related Laws being included in the curriculum for all thirty-six sections of the PSU-FYS in the Fall 2014.\footnote{See Plymouth State Univ., Title IX Training for the First Year Seminar. A summary of the seminar content is attached hereto as Exhibit D.} We were told that the response from the faculty at the inclusion of Title IX content in the PSU-FYS program was “swift and enthusiastic.” As described below, we recommend PSU capitalize on this successful effort and the enthusiasm from the faculty to expand education for all of the students at PSU.

D. Education Programs At KSC

KSC also provides MVP peer education training program for students on campus and during orientation through a theatre based program called “No Zebras, No Questions,” which is a set of “powerful” skits performed by students emphasizing the role of bystanders in intervention and bringing attention to sexual assault and sexual harassment through non-violent solutions.\footnote{See Forrest Seymour to Receive New Hampshire Visionary Voice Award, Keene State College (Mar. 18, 2014), http://www.keene.edu/ news/stories/detail/1395150707363/} 

E. Recommendations For Education Of Students

We acknowledge the positive steps being taken by the administrators at each institution to inventory and review the training opportunities being offered on each campus. We recommend that each of the schools expand educational programs for students relating to Title IX and Related Laws to include such programs as: an online program for all students to be completed during the summer prior to coming to campus; orientation for first year undergraduate, graduate and transfer students; and residential programming for all residential students within the first six weeks of school. We recommend that a portion of this training be mandatory. Such an approach would reflect both a commitment to the content and would be an effective way to reach all student constituents. We anticipate GSC, with no residential population and a largely

\footnote{See Forrest Seymour to Receive New Hampshire Visionary Voice Award, Keene State College (Mar. 18, 2014), http://www.keene.edu/ news/stories/detail/1395150707363/}
online student body, would focus exclusively on utilizing an online program specially designed for their particular population of students.

We recommend that the education at each institution include training on the behavioral expectations for both students and adults, such as a student code of conduct, established by the respective administration, which aligns with the values statement and cultural expectations established by the Trustees as discussed in Section V. All students should be provided with information about the distinction between “confidential resources” and “mandated reporters” so that they can make informed choices about whether to share information with an employee who will be required to report the information to the Title IX Coordinator and/or the local police department. This information will allow for a consistent institutional response and allow each school to carry out its Title IX responsibilities.

Other topics for education might include issues of sexual violence, gender equity, tolerance and diversity, alcohol and substance abuse, intimacy, consent, the “hook up” culture, social media, bullying, hazing, classism, racism, gender identity and sexual orientation, and other issues that can impact campus culture and the development and education of students. As discussed further in Section X, the Investigative Reports revealed a common theme that students do not have any understanding about reporting channels or where to go with concerns about the behavior of an adult, especially when that adult had been at the school for a long period of time. Specifically, student athletes were at a loss about where to report concerns about an adult who was viewed as a “coach like” figure. All education of students should include information that guides and empowers the students to report such concerns.

We recommend that each school supplement its campus-wide training efforts with concentrated training to targeted populations, including graduate students, student athletes,
students in travel programs, residential social organizations, and international students. For example, graduate students should receive additional information about the school’s consensual relationships policy and the importance of faculty and staff maintaining appropriate professional boundaries. Schools should consider training programs directed at student leaders, such as athletic team captains, resident advisors, dorm advisors, officers of Greek organizations, on specific topics such as being attentive to and options for responding to behaviors relating to sexual misconduct. Heightened sensitivity to these issues can give students in leadership roles the tools to prevent, de-escalate, and respond to potentially harmful situations.

In summary, the education of students within the University System should include a diversified portfolio of training modalities designed to reach all constituencies, including: in person educational opportunities (both small group and broader community presentations), learning modules using technology (online training modules, email communications and updates and a dedicated web page), passive education (posters, pamphlets and prevention materials) and, as appropriate, integration into academic coursework.

F. Coordinated Oversight Of Education Of Students

The overall effort at the various schools to educate students on Title IX and Related Law appears to be decentralized. We recommend more coordinated and integrated oversight of the education of students by assigning responsibility to one person, such as the Title IX Coordinator. This responsibility should include the development of a database of information relating to these efforts. The database should record the name or identifier of each participant in each training, including, if possible other statistically relevant identifying features of the participants receiving education (i.e. by gender, year in school, department, campus), the date of each training, the location, and the topics covered. The database will enable the creation and submission of regular reports to the Presidents to assess ongoing training efforts and it will assist
the Presidents in briefing the Trustees about the robust efforts and education being conducted at each school.

G. Evaluating The Education Of Students

Regular feedback from student attendees is necessary to determine the quality and content of the education provided and ensure its ongoing effectiveness.

We also recommend that each school conduct climate assessments regarding sexual assault to examine student reporting of the awareness of sexual assault on campus, the use and effectiveness of campus resources, and potential barriers to reporting. Climate assessments help identify strengths and gaps in sexual violence services, policies and prevention efforts. Climate assessments also facilitate the development of evidence-based plans to address student needs.

Some guidance from recent resolution agreements provide examples of the types of data that should be included in a climate assessment, such as: assessing students’ attitudes and knowledge regarding various types of sex-based harassment, sexual assault and retaliation; gathering information regarding students’ experiences with sex discrimination while attending a University System school; determining whether students know when and how to report such misconduct; gauging students’ comfort levels with reporting such misconduct; identifying any barriers to reporting; assessing the relationship between the local police department and the student body; evaluating the role of alcohol on campus and the efficacy of existing alcohol policies; assessing students’ familiarity with the school’s outreach, education and prevention efforts to identify which strategies are effective; and soliciting student input on how the school can encourage reporting of sexual harassment, sexual assault and retaliation to better respond to such reports.

In order to establish a baseline for schools to evaluate and tailor efforts to promote awareness, prevention efforts and access to services, a survey should be done prior to instituting a
comprehensive system for educating students on Title IX and Related Laws. Assessing campus climate is recommended on a voluntary basis by the “White House Task Force To Protect Students from Sexual Assault” (“Task Force”) and is suggested by the Task Force as a possible federal mandate. Irrespective of federal requirements, climate assessments can be used to establish consensus and support from all constituencies for recommendations to improve services. Surveys of campus environment also demonstrate the school’s commitment to addressing issues of sexual violence directly and openly. In assessing climate we recommend that each school consider seeking input from all student constituencies, including both undergraduate and graduate students, as applicable. A canvassing of all campus community members serves a critical role in identifying key issues that impact the culture of the school and the health and safety of the students.

IX. TRAINING OF FACULTY AND EMPLOYEES

While there is some training at each school for faculty and staff on Title IX and Related Laws, at the time of our review, it was unclear how extensive or effective the training is, how often it is provided and whether it is fully compliant with the current laws. Many reported that the training is burdensome and, at times, the substance has been confusing and/or inconsistent with training provided in the past. We were told that some flow charts used during training at UNH were inconsistent with existing policy, and instructional materials on safe harbors were incorrect.

However, as with the education of students, we found multiple pockets of support on campus for coordinated employee training on Title IX and Related Laws. At UNH, the Counseling Center website has an interactive program called “Kognito,” which is used to help identify at-risk students.

47 See White House Task Force to Protect Students From Sexual Assault, Not Alone, The First Report of the White House Task Force to Protect Students From Sexual Assault (Apr. 2014) at 8 (calling on all colleges and universities to voluntarily conduct surveys and describing the possibility of mandating them in 2016), http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&uact=8&ved=0CB4QFjAA&q=http%3A%2F%2Fwww.whitehouse.gov%2Fsites%2Fdefault%2Ffiles%2Fdocs%2Freport_0.pdf&ei=KfWvVMG-Ou_bsATK0oC4Cg&usg=AFQjCNEr0AyjSXyX2UAuAhB4V9xJkt79PA&bvm=bv.83339334,d.cWc.
students. It is reportedly well-received among the faculty. A similar program could potentially be used to cover Title IX topics. Web-based training has the advantages of being available at any time and automatically generating an accurate record of the participants.

We were repeatedly informed at various schools that mandatory training would not be well received by faculty. While federal law does not specifically require that a school mandate training for all faculty and staff, from a risk management perspective and to help ensure student safety, it is important that all employees are reached. Due to the apparent ad hoc nature of the current training efforts, it is not clear which faculty and/or staff are being reached and the nature and extent of the training that they are being given.

We acknowledge the positive steps being taken by administrators at PSU and KSC to train core groups on Title IX and Related Laws and then to inventory what training is offered on campus and to whom. As part of this inventory, the key audiences within the faculty and staff populations need to be identified and targeted to receive training specific to their role on campus.

In addition to providing campus-wide training to all faculty and staff, we recommend each school consider expanding training by providing specialized training on sexual harassment, sexual assault, intimate partner violence and stalking to targeted populations, including graduate student teachers, adjunct faculty, teaching assistants, part time/hourly coaches and staff, work-study students and faculty and staff responsible for organizing and participating in travel programs. In addition to the above, we recommend that each school provide regular, required training and education to all individuals on campus who may be a “first responder,” the first point of contact (e.g. faculty, coaches, resident advisors, and peer advisors), or a “responsible

48 We believe that the current inventory being done at UNH is for both student education and faculty and staff training. To the extent that it is not the case, we recommend broadening the inventory as such.
employee under Title IX. These individuals should receive practical information as to: how to identify and report sexual harassment and violence; how to respond to a report by addressing immediate safety, health, and well-being concerns; how to access support and emergency assistance; and how to connect the reporting party to the designated trained professionals who oversee the Title IX centralized process.

All training should include the specific school policies and procedures regarding sexual harassment and misconduct, what triggers the duty to report, and the definition of and prohibition against retaliation. Training should also include information about the school’s consensual relationships policy; the importance of maintaining appropriate professional boundaries and recognizing when others violate professional boundaries; the requirement to share reports through a centralized and consistent process; emergency resources; preservation of evidence; confidential medical and counseling resources; and the availability of interim accommodations. Finally, training should also clearly outline the investigative processes and conduct procedures that apply based on the role of the parties and the nature of the incident.

With respect to new employee training, we recommend each school require mandatory training, whether online or live, for all new employees, including student employees, within the first 30 days of employment and a refresher course for current employees at required intervals. The frequency reflects the University System’s commitment to the prevention of sexual

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49 See e.g. Apr. 29, 2014 Questions and Answers at 15. OCR deems an institution to have notice of student-on-student sexual harassment and/or misconduct if a “responsible employee” knew, or in the exercise of reasonable care should have known, that harassment/misconduct occurred. See id. at 2 and 15. That knowledge triggers an institution’s obligation to take appropriate steps to investigate and, as appropriate, end and remedy that harassment/misconduct. Responsible employees also have the initial obligation to report incidents of sexual harassment/misconduct to the Title IX coordinator (or other appropriate designee). OCR’s guidance indicates that a responsible employee is any employee: (a) who has the authority to take action to redress sexual harassment/misconduct; (b) who has been given the duty of reporting incidents of sexual harassment/misconduct or any other misconduct by students to the Title IX coordinator or other appropriate designee; or (c) who a student reasonably believes has this authority or duty.
harassment, sexual assault, intimate partner violence and stalking by providing timely, relevant and accessible information.

As an integral part of the above referenced training on Title IX and Related Laws and in furtherance of the stated values and cultures of the Trustees as mentioned in Section V, we recommend that each institution incorporate references to key behavioral expectations of the institution into all employee training. Behavior based training should include references to setting and maintaining healthy boundaries with students, acting professionally and as a role model, the risks of social media, and the importance of alerting others to concerning behaviors exhibited by colleagues.

We further recommend that the oversight and maintenance of recordkeeping of the training for the faculty and staff be the responsibility of one person, such as the Title IX Coordinator. This oversight should include responsibility for the development of a system for recording the name or identifier of each employee who participated in each training, the date that each training occurred, the location, the topics covered, the percentage of people participating, and whether it was live, online or recorded training. As with student education, feedback from attendees is necessary to determine the quality and content of the training provided and to ensure effectiveness. Clear and consistent training will inspire increased trust and confidence in the school’s policies and procedures on Title IX and Related Laws.

We recommend that each school conduct climate assessments of faculty and staff on a regular basis to identify any challenges posed by the current campus climate that affects the educational or employment environment or creates barriers to reporting.
X. REPORTING

A. Student Reporting Of Sexual Harassment And Discrimination

Unless students report sexual harassment, discrimination, assaults or other violations of Title IX and Related Laws, the school cannot take action against the specific individuals, students, faculty or staff, who commit the misconduct. At the time we conducted our interviews, we identified potential barriers to these incidents being reported.

The Investigative Reports revealed a pattern of reluctance by students to report concerning behavior by faculty or staff towards students. This reluctance was due to fear of retaliation by the faculty or staff being accused, by the subject’s colleagues and by their own peers, particularly when the subject exhibiting the concerning behavior was a long time employee and highly regarded by the community.

Another reason students do not report concerning behavior was because they do not know to whom to report. For example, a group of basketball players and other students at KSC got together and drafted a letter raising concerns about the behavior of former KSC employee Gino Vallante, but did not send it because they did not know to whom to send the letter. 50 Students would be more likely to report concerns about faculty and staff conduct if the behavior of concern was inconsistent with established and expected behavioral standards and if they were appropriately educated about where to report their concerns and their right to do so without the fear of recourse or retaliation.

When both parties are students, the victims often do not report a sexual harassment or discrimination or even sexual assault, because they fear retaliation by their peers and rejection by

their social groups. Some faculty and staff expressed concern that victims will potentially be re-
traumatized by the investigative and adjudicative processes. In order to overcome such concerns,
there need to be significant changes in attitudes and understanding about what constitutes
appropriate behavior by adults and how the schools deal with allegations of sexual harassment,
discrimination and assault and related misconduct.

In addition to education, and in order to encourage reporting by eliminating the various
student fears, it is important that students are provided with safe, confidential and potentially
anonymous ways to report concerns about any member of the respective community. We
recommend that each school develop an online reporting link on their web page that allows the
person to fill out some relevant facts and send in to the school, either anonymously or not. As
discussed further in Section XI, reports would then be automatically sent to a behavioral
assessment team with specialized training that can evaluate, investigate and respond appropriately
to the concerns and identify patterns of behavior. This type of reporting option would empower
students to report concerning behavior, whether by an adult or another student, without the fear or
concerns that may have discouraged such reports in the past. Concerns of fairness may be raised
about anonymous reporting. Therefore, it will be important that the team responding to reports of
concerns have the trust of the school community.

We were impressed with the “C.A.R.E” form (Concern, Assess, Referral and Education)
web-based form being used at PSU.\textsuperscript{51} The link is found on the home page, can be filled out
anonymously by any member of the community and is sent to a pre-determined and Title IX
trained team of administrators to evaluate and address appropriately. The reports are then
automatically kept in a database system that allows the trained administrators at PSU to keep track

\textsuperscript{51} Dean of Student’s Office, Plymouth State Univ., Concern, Assess, Referral and Education Form. A print out of
the C.A.R.E. form is attached hereto as Exhibit F.
of reports of student and adult concerns about anyone in the PSU community and intervene when appropriate.

KSC has an anonymous reporting form called “Silent Witness,” but it is focused on reporting information related to crimes. KSC has recently added a link to a “Safety Assessment Referral Form” to the Dean of Student’s website, with a description of how it should be used to report concerning student behavior. However, the reports received by these two resources are not collected or evaluated in a coordinated manner.

USNH has an Anonymous Hotline on its website for reports of, among other things, “unethical conduct.” UNH also provides a form for anonymous reporting of “possible illegal activity” on the UNH Police Department web page. While these resources are helpful, they do not take the next step of being able to be shared, evaluated and maintained by a coordinated group of trained administrators to detect problematic patterns of behavior.

B. Faculty/Staff Reporting Of Sexual Harassment And Discrimination

As noted in Section VII.A, we recommend that only those employees covered by a legal or statutory privilege be a confidential resource for students and exempt from a duty to report a violation of Title IX. All others should be considered a “responsible employee” under Title IX with a mandated duty to report incidents that violate Title IX. In addition, as stated in Section VII.B above, we recommended that each school in the University System articulate a “trigger” for reporting so that mandated reporters at all campuses understand when they must act on their duty to report. The trigger should be the same at each school so that employees within the University System have identical duties. At the time of our review, it was clear that many people want to do what is “right” to protect students, but they did not clearly understand their obligation to report or when a reporting obligation would be triggered. Specific examples should be provided during training as to when the duty is triggered.
When hesitant students have come forward to express well-founded and, at times, very serious concerns about employees, some faculty and staff have demonstrated a lack of understanding regarding their reporting obligations for reporting harassing behavior by other employees, and have not followed proper intake procedures to ensure that the immediate needs of complaining students are addressed by those trained on campus to assist them. The Investigative Reports found repeated failures by faculty and staff to properly report. This was due to a variety of reasons, including a lack of understanding of reporting obligations, confusion or uncertainty about what triggered the reporting obligation and concern that they would “ruin” someone’s reputation if the report proved untrue. The Investigative Reports also found instances when reports were made to employees trained in Title IX and Related Laws, but those employees did not carry out their obligations consistent with the school’s policy.

We recommend each institution develop clear, concise and consistent policies and processes regarding the expectation of mandated reporting by faculty and staff as discussed in Section VII. Faculty and staff should receive consistent robust training on these expectations, reporting procedures and the steps to be followed when a report is made. At the time of our review, it appeared that there is inconsistent training and awareness on the various campuses about the existing reporting policies. Building trust in the process is crucial to encouraging reporting. Lack of trust or knowledge about the process once a report is made could potentially discourage some faculty and staff from reporting and motivate them to try to manage a situation on their own. Clear, concise and consistent policies and training on reporting obligations will increase the likelihood that reports are made to the appropriate people in a timely manner. Training on reporting obligations should include: privacy issues and how privacy is maintained; the importance of ensuring that victims feel in control of the process including what choices are
available; how investigations are handled; and ensuring that the conduct process is fair and timely. Equally important is feedback to the reporters. At the time of our interviews, we were told that reporters often hear little or nothing about what occurred following a report. To the extent confidentiality allows, providing the reporter with information about how the process is moving along, while maintaining the privacy of the parties, will go a long way to improving trust in the system. It should be the responsibility of the Title IX Coordinator to make sure that there is timely and meaningful follow up with mandated reporters.

C. Reporting Of Behavioral Concerns

One unintended consequence of policies and training that focus exclusively on compliance with specific laws is the potential to inhibit reporting of conduct that does not meet or exceed the threshold definition of the prohibited conduct. For example, a review of the four Investigative Reports revealed the development of unhealthy subcultures which, in each case, persisted for years in isolated silos. The Investigative Reports revealed similar patterns of behavior by the subjects of those investigations. Each person took on inappropriate informal roles, particularly parental or peer-like roles, beyond their formal, professional roles and in doing so, they each engaged in disturbing boundary violations, rather than setting and adhering to appropriate boundaries between employees and students. The inappropriate nature of the conduct did not go unnoticed by the students. Numerous student witnesses in the various Investigative Reports described the behavior of subject of the investigation as “creepy.” Each of the subjects demonstrated a pattern of behavior that had the effect of enhancing their own self-esteem, rather than focusing on the interests and well-being of the students. Moreover, they each exhibited a lack of responsibility for the impact of their actions on the students. Over time, in each case, these inappropriate behavioral patterns became the norm within the various subcultures. Consequently, because the behavior had gone on for so long it was assumed to be acceptable and many students tolerated the behavior,
excusing it as “X just being X.” When such silos develop, schools lose the opportunity to address concerning behavior before it puts students at serious risk.

The existence of and training on clear, succinct behavioral and boundary expectations for faculty and staff is a crucial factor in creating and fostering a healthy school culture. Such behavioral and boundary expectations make it easier for community members to identify when a person is going beyond their job description to a more “informal” and potentially inappropriate role with students. Students, faculty and staff should not feel that they have to wait until they are certain that conduct constitutes sexual harassment, or some other legally prohibited act, before reporting it. When a school has defined behavioral standards for both students and employees, all members of the community are better able to identify and feel empowered to report behaviors of concern so that they can be addressed before they rise to the level of policy violations or illegal acts.

*In addition to the system for handling reports legally mandated under Title IX and Related Laws, we recommend a process for reporting any behavioral concerns about anyone in the community, including students, faculty, staff and third party contract employees.*

At some of the schools, there are separate systems for raising behavioral concerns about faculty and students which appear to be ad hoc and not integrated. By instituting an integrated system to address concerning behaviors of all types throughout the entire school community, each school will likely diminish the number of incidents that rise to the level of Title IX violations while improving the quality of life on campus. In short, community wide reporting system is a crucial component to establishing and maintaining a healthy university culture.

**XI. BEHAVIORAL RESPONSE TEAM**

To help shape and reinforce a healthy school culture, it is important that concerns about misconduct be brought to the attention of a team of trained administrators. Misconduct comes in
many forms and may or may not violate a law or school policy, but information silos pose a significant threat to all institutions.\textsuperscript{52} Students and employees who have concerns about misconduct will likely not know which, if any, laws or policies are applicable. One benefit of establishing and training on behavioral standards for students and employees is to enable them to identify and report concerning behavior without having to determine whether the conduct violates a specific law or policy.

\textit{We recommend that each school utilize a specially trained behavior response team to develop a coordinated and integrated systematic approach for handling reports of behavioral concerns.} This response team should have one person “on call” and available at all times to provide 24/7 coverage. Team members should be interdisciplinary and broadly cover key departments and each campus.

As discussed in Section X.A, our review indicated that PSU has a system in place for a team to receive forms from their web based “C.A.R.E.” reporting form, a database program to collect the data and a “Title IX Team” that receives the reports. At UNH, we recommend that the team include the Title IX Coordinator, any Deputy Title IX Coordinators and a representative from OCS, UNH PD, Residential Life, Athletics, UNH Manchester and UNH Law School. KSC and GSC should develop a similar team tailored to their particular schools. The team should also have threat assessment training and resources. Furthermore, each school should identify all potential first responders and create first responder protocols that provide consistent messages to reporting

\textsuperscript{52} \textit{See e.g.,} TriData Division, System Planning Corporation, \textit{Mass Shootings at Virginia Tech, Addendum to the Report of the Review Panel} (Nov. 2009) at 2 (concluding, among other things, with respect to the shooter, “numerous incidents occurred that were clear warnings of mental instability. Although various individuals and departments within the university knew about each of these incidents, the university did not intervene effectively. No one knew all the information and no one connected all the dots.”) (on file with author).
parties and, when appropriate, relay consistent information to the Title IX Coordinator/team in a timely manner.

Many reported matters will likely be routine and can be handled quickly by referral to the appropriate resources. For example, at PSU, CARE reports have identified students who are not leaving their dorm room or are otherwise exhibiting concerning behavior. Interventions might include referring the student to the counseling center. More complicated matters, or matters which trigger legal responses, can be referred for formal investigations. By having a centralized system, the team can assign follow up to be sure the concerns are addressed. The system can also help to identify individuals who are repeated subjects of concern and to allow administrators to address such behavior before it rises to the level of a law or policy violation. Without a centralized system, administrators may not take needed action to protect student safety because they only have partial information.

The information gathered by this behavioral response team can be put into a database so that it can be reported to the Presidents and used to assess the health of the school’s culture. The type of potential data that should be collected includes, but is not limited to, the information required to be reported in the Annual Security Reports, including Clery Act information and statistics relating to behavioral reports (e.g., students, faculty and staff and non-employees) that may or may not be Title IX related, but that in the aggregate could show a pattern of behavior or issues that need to be addressed further.

XII. INVESTIGATIONS

OCR guidance requires “all persons involved in implementing a recipient’s grievance procedures (e.g., Title IX coordinators, investigators, and adjudicators) must have training or
experience in handling complaints of sexual harassment and sexual violence ….”

We recommend that investigators at each school receive regular and specific Title IX training in the dynamics of sexual harassment, sexual assault, intimate partner violence and stalking, the impact of drugs and alcohol and evaluating consent. Title IX Investigators should be trained in how to impartially evaluate credibility, demeanor, interest, detail, corroboration and known patterns of human behavior. They should be trained in writing reports that meet legal requirements and the standard of practice. In general, a good investigative protocol should include: appropriate interview protocols of the parties and other witnesses who may provide corroboration, preservation and collection of any physical evidence (including social media) and a synthesized presentation of the facts and the findings for review by the disciplinary authority. Moreover, a complainant and a respondent should have equal opportunities to present evidence and participate in the process.

We recommend that each of the schools create a team of investigators with specific Title IX investigative training to handle investigations which include Title IX or related issues. The makeup of the team should be broad enough to handle investigations of any type of complaint, whether student – student, employee – student, or employee – employee. Investigators should be trained to produce written reports that meet the standard of care for such investigations and include findings and recommendations. The schools should also consider the sharing of Title IX investigators in instances when another school needs a trained investigator.

Due to the larger population and number of Title IX related cases, our interviews at UNH provided the most information and feedback with respect to Title IX investigations and therefore, UNH is the basis for many of the recommendations noted below.

53 Apr. 4, 2011 Dear Colleague Letter at 12.
At the time of our review, UNH did not appear to have a systematic approach to handling the investigation of Title IX cases. Many administrators and faculty expressed distrust in the manner that Title IX investigations have been handled in the past, and they attributed similar distrust to students as well. The UNH Title IX Coordinator has handled many cases. The UNH Police Department has handled some cases at the Title IX Coordinator’s request. UNH has utilized some experienced investigators within the campus community and has also sought outside assistance on investigations where necessary. We do not know whether all, or even most, of the investigators at UNH are trained Title IX investigators.

It was also unclear at the time of our review what criteria were used at UNH to determine who will conduct and “own” a particular investigation. **We recommend that each school develop a systematic way to determine who will carry out Title IX investigations.** The recent shift of the UNH Title IX Coordinator position to Human Resources is beneficial because it will enable a coordinated approach to assigning trained investigators at UNH, some of which, we understand, will be receiving specific Title IX investigation training. However, it will be important to also have investigators who are experienced in dealing with students and not exclusively with adults.

The Title IX Coordinator at each school should be responsible for oversight of the training, assignment and conduct of Title IX investigators and should also oversee and coordinate investigations to minimize overlap and redundancy with other investigations of the same subject matter. Some people we interviewed at UNH stated that the current investigative process lacks legitimacy and is not trustworthy. These people feel that victims are discouraged from reporting due to lack of trust in the investigative process. Many expressed the concern that the investigative process for Title IX cases takes too long. While the complexity of these investigations is a factor, the availability of resources to complete investigations also contributes to the length of
investigations. Special attention should be paid to the timeliness of the investigative process. **We recommend that UNH and the Trustees consider adding additional resources to these investigations in order to comply with the law and to ensure the integrity of the investigations against review by outside parties.**

Additionally, at UNH we heard complaints about overly aggressive investigative tactics, as well complaints about insufficient availability or proactive follow up by investigators. In particular, it is crucial that staff who work in the safe harbors, such as SHARPP, trust the investigatory process or the students they advise will be less likely to report to the institution or to the police.

Furthermore, there needs to be coordination by each school with their respective County Attorney, so that the schools can meet their obligations for timely investigations under Title IX without raising concerns of obstruction of justice or interfering with police investigations. A useful way for a school to demonstrate their commitment to this obligation is with a Memorandum of Understanding (“MOU”) with relevant law enforcement agencies for each of its campuses. To the extent a school has a MOU in place with local police, it should be referenced in the school’s Annual Security Report required by the Clery Act. We note that we do not know whether there are MOU’s in place for the auxiliary campuses of UNH Manchester and UNH Law School. We note that there is no reference to an MOU with the Manchester Police Department in the UNHM

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54 We note that United Educators, who insures USNH, has recently added a benefit to its coverage to provide reimbursement up to a given amount to pay for experienced outside investigators in cases alleging sexual misconduct.  

55 See 79 Fed. Reg. 62,752 at 62,785 (to be codified at 34 C.F.R. § 668.46 (b)(ii)) (requiring the ASR for an institution to address “the working relationship of campus security personnel with State and local police agencies, including…[a]ny agreement, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.”
Annual Security Report and that UNH Law School does not have an Annual Security Report on their website at all.

As part of the oversight process, each school should collect, through the Title IX Coordinator’s office, key data relating to Title IX investigations, including the numbers and types of investigators and the training they have received, in order to report to their President and/or the Trustees or to respond in the event of a lawsuit or a federal inquiry.

For each Title IX case, we recommend the following data be collected:

1. Persons involved in the Title IX complaint being investigated (e.g. student on student; faculty or staff misconduct toward student; faculty - student relationship issues);
2. Who is assigned as the investigator for the case;
3. The length of the investigation;
4. The number of witnesses interviewed;
5. Catalog of statements submitted or other evidence collected;
6. File of correspondence with both complainant and accused;
7. The nature of the findings;
8. The nature of the recommendations; and
9. Record of actions taken on behalf of either complainant or accused.

XIII. RESOLUTION OF TITLE IX CASES

The recent federal regulations require that all university disciplinary hearings be conducted by school officials who “are appropriately trained” and that both “the accuser and the accused…have equal opportunities to have others present, including an advisor of their choice”
during the conduct hearings. 56 As made clear in Title IX cases in the news, school conduct processes for alleged sexual assault cases are highly charged and have the potential to be flash points for conflicts among the complainant, the accused and their respective supporters. In Title IX cases in a university environment, complainants are often reluctant to report to or cooperate with the police and the courts due to concerns about the adversary nature and duration of the legal process. They may also fear possible retaliation or ostracization on campus for taking such “drastic” measures. Schools are now confronted with how to address these accusations as violations of the school’s policies. Universities in general are not equipped to provide full due process hearings about matters that are essentially criminal in nature. Faculty, staff and students involved in the process have little legal training or experience in these matters. The stakes and emotions in these cases are so high that it is often impossible to satisfy either party, no matter how fair the process.

Nonetheless, so long as any school within the University System handles these matters through its respective conduct office, there must be a process in place that will be perceived as fair and timely by objective outside observers. The conduct process for cases falling under Title IX and Related Laws should be clearly and consistently laid out in each of the handbooks for each campus of each school. As noted in Section VII, we recommend developing a flow chart to assist with explaining this process.

To the extent that the conduct process is perceived as being unfair, there is a greater likelihood that a case, especially a high profile case, will become the subject of a third party review by social media, the press or the OCR. Such cases are also more likely to be the basis of a civil

56 See 79 Fed. Reg. 62,752 at 62,789 (to be codified at 34 C.F.R. § 668.46 (k)(2)).
lawsuit.\textsuperscript{57} We understand that the conduct office at UNH in particular, has recently undergone positive changes, including the assignment of a full time investigator. \textbf{We recommend that the conduct process at each school be monitored closely to ensure that, among other things, the resources offered to both the complainant and the accused are sufficient and balanced and that all campus employees involved in the adjudication of Title IX cases are adequately trained.}

We note that the provisions in the new Campus SaVE Act permitting the presence of lawyers in such conduct hearings will cause these hearings to be more challenging and rigorous, even though the regulations allow limits on the nature and degree of legal participation.\textsuperscript{58} To complicate matters, some lawyers may push boundaries in hearings, such as communicating with their clients electronically or taking repeated breaks. An additional concern and complication will be situations in which one party has counsel and the other does not.\textsuperscript{59}

To comply with recent federal laws, we recommend each school provide for prompt, fair, and impartial conduct proceedings in which:

1. The persons implementing the procedures are appropriately trained in the schools conduct procedures and in addressing Title IX complaints;
2. The persons implementing the procedures do not have a conflict of interest or bias for or against the complainant or the accused;
3. Both parties are made aware of the standard of evidence being used;

\textsuperscript{57} See e.g. n.14 and articles cited therein regarding lawsuits alleging unfair practices in the investigation and handling of sexual assault complaints.

\textsuperscript{58} See 79 Fed. Reg. 62,752 at 62,789 (allowing an institution to “establish restrictions” on an advisor’s participation in a disciplinary proceeding); see also Apr. 4, 2011 Dear Colleague Letter at 12 (“any school-imposed restrictions on the ability of lawyers to speak or otherwise participate in the proceedings should apply equally”).

\textsuperscript{59} We note that there has been no direct regulation or guidance on whether the school must provide a lawyer in a circumstance where one party has the assistance of counsel and the other does not.
4. Both the complainant and the accused have received adequate notice of the charge, the process and of each of their rights during the process;

5. The complainant and the accused have equal opportunities to have others present, including an advisor of their choice;

6. The accuser and accused are given timely notice of meetings at which one or the other or both may be present;

7. The complainant, the accused, and appropriate officials are given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings;

8. The complainant and the accused receive concurrent notification, in writing, of the result of the proceeding and any available appeal procedures; and

9. The proceeding is completed in a reasonably prompt time frame.

USNH may want to consider training a panel of trained retired judges or other trained professionals to sit on complex cases if requested by either party. The process could be set up and monitored through the Chancellor’s office and made available to all schools.

Consistent with the other sections of this report, all data and records relating to the management and outcome of the conduct process and any conduct hearings that occur should be diligently kept and available to the respective President and the Board of Trustees. Potential data should include for any school year:

1. The number of cases handled;

2. The number of cases that proceed to a formal hearing;

3. The number of cases resolved informally prior to having a hearing;

See Apr. 4, 2011 Dear Colleague Letter at 12, recommending “that schools provide an appeals process” and to the extent the school does provide “for appeal of the findings or remedy, it must do so for both parties.”
4. The types of conduct found to have occurred;
5. The consequences imposed for the conduct found to have occurred;
6. The records of findings communicated to the parties;
7. The records of any appeals; and
8. Any information related to any alleged retaliation.

XIV. REMEDIATION

An educational institution must consider interim remedies and accommodations to alleviate the presence of a hostile environment. More importantly, an institution will lose credibility and support if the students do not feel supported and safe. **We recommend that in Title IX and Related Law cases, each school separate the support functions from the investigative functions.** These remedies may include, for example, no contact orders, residence modifications and academic accommodations. At the same time these interim measures are enacted, an educational institution must conduct a careful assessment of the facts. A structure that relies upon one individual to coordinate support and accommodations and simultaneously conduct a neutral gathering of the facts can negatively impact the perception of the neutrality and the integrity of the investigation and create blurred lines of responsibility from the perspective of a complainant or a respondent. **We recommend that the responsibility for implementing support services (for students, faculty and staff) be managed by a trained individual who is not directly involved in the investigation of an allegation.** This structural adjustment will enhance the delivery of service and enhance a positive view of the process.

Toward this end, we specifically recommend that each school identify and designate appropriate individuals in Student Affairs, Residence Life and/or Athletics (for students) and

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61 See Apr. 29, 2014 Questions and Answers at 33.
within Human Resources (for faculty and staff) to routinely provide interim remedies and responses while an investigation is ongoing. These individuals should work closely with the respective Title IX Coordinator. Remedies and responses should include mechanisms that address both individual and community safety, implement no contact orders, provide academic support, adjust academic schedules or living arrangements, provide referrals for counseling or emotional support, and allow for other equitable solutions or responses for both parties. The interim remedy response system should: include uniform follow-up and check-in communications (both oral and written) with both the complainant and the respondent; use template forms to foster consistent communication while still tailoring the content to reflect individualized attention; and provide protocols for coordination of information as necessary among the respective school departments. Such a system will ensure that all appropriate remedies are available, offered, and where appropriate, implemented on a consistent basis. The system should also ensure that protective remedies are strictly enforced and any violation receives a prompt and equitable response to protect individual and community safety.

Further, we recommend that each school enhance consistent and compliant responses through the use of template forms, checklists, careful documentation and record keeping of all reports, investigative responses, and informal and formal resolutions. Each school and departments within each school (e.g., athletics) should also develop decision trees to guide the consistent and thoughtful application of policy and process. This approach will provide the respective school’s Title IX Team with confidence in identifying challenging issues, including timely warnings, how to proceed if a complainant requests confidentiality, the use of interim

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62 This desire for a “decision tree” was feedback we heard from multiple people at each of the schools.
remedies and other responses (including suspension) and how to respond to retaliation. This approach will also enhance consistent institutional responses and avoid ad hoc decision-making.

We recommend that each school examine existing emergency and continuing care resources to identify any gaps in content or coverage. This should include an assessment of the extent to which resources are available outside of business hours (24/7 availability, evenings, weekends, and school breaks), the visibility and transparency to students, the types of resources, the level of training and/or sensitivity by staff, whether there are any conflicts between the assigned roles of individuals providing services who also bear other job responsibilities on campus, and whether there is a clear articulation and understanding of confidential resources versus people with reporting obligations.

Finally, as with all other areas of this report, the relevant data should be collected relating to all remediation. Examples of data include: how many referrals to SHARPP or respective local sexual assault agency are made by other areas on campus (e.g. the Title IX Coordinator, police department, residential life, athletics, counseling center, etc.); the amount and types of requests for accommodation changes or class changes; and data and statistics from the “Live Safe” smart phone application that is used, and recommended by the UNH Police Department or similar smart phone applications.

XV. CONCLUSION

We commend the Trustees and each of the school Presidents for their commitment to making the University System schools safer by their efforts to comply with Title IX and Related Laws. It was clear to us that each of the institutions is working hard to comply with the letter and the spirit of the various legislative and regulatory mandates. Given the significant changes to Title IX and Related Laws, it is not surprising that we found gaps in policies and practices that need to be addressed. We recognize that many of our recommendations have been identified and are
already in progress to varying degrees at the schools within the University System. Successful implementation will require increased investments of time, personnel and financial resources. We encourage the Title IX Coordinators and other relevant administrators, faculty and staff at each school to work together within the University System to share their talents, ideas and resources. We also encourage the University System to evaluate ways in which existing, perhaps underutilized, resources at one school within the University System can compensate for gaps in resources at another school.

However, we also believe that the University System and each of its schools has a significant opportunity to look beyond compliance strategies and checklists and also focus on developing and maintaining a healthy and safe culture throughout the University System. We encourage the University System and its schools to proactively establish and promote core values as the foundations for healthy school cultures by educating and encouraging students to be good citizens and training and motivating faculty and staff to be positive role models. This approach, which is essentially educational, will enable the schools to utilize their strongest assets, their excellent faculty and staff, to bring about cultural change. It will also provide each school with an opportunity to distinguish itself through its own unique approach to creating and maintaining a healthy and safe campus culture.

There is no single or easy formula for creating and maintaining a healthy and safe culture and environment for the students, faculty and staff. Bringing about change in campus cultures will take time, commitment and a holistic approach. Success will require strong leadership from the Trustees and the Presidents. It is crucial that the core leadership within the University System make a commitment to move forward and begin planning the next steps. From our meetings with
the Trustee leadership group and with each President, we believe the strong leadership and commitment needed is already in place.

END OF REPORT
Appendix I

List of People Interviewed
### University of New Hampshire:

<table>
<thead>
<tr>
<th>Name and Title</th>
<th>Interview Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark W. Huddleston</td>
<td>Monday, November 24, 2014</td>
</tr>
<tr>
<td>Lisa MacFarlane</td>
<td>Friday, September 19, 2014</td>
</tr>
<tr>
<td>Donna Marie Sorrentino</td>
<td>Monday, July 21, 2014</td>
</tr>
<tr>
<td>Mark Rubinstein, Ph.D.</td>
<td>Monday, July 21, 2014</td>
</tr>
<tr>
<td>Anne Lawing, D.Ed.</td>
<td>Friday July 11, 2014</td>
</tr>
<tr>
<td>Kathy Neils</td>
<td>August 18, 2014 and follow up by phone on October 25, 2014</td>
</tr>
<tr>
<td>Amy Culp</td>
<td>July 16, 2014</td>
</tr>
<tr>
<td>Marty Scarano</td>
<td>August 18, 2014</td>
</tr>
<tr>
<td>Steve Metcalf</td>
<td>August 18, 2014</td>
</tr>
<tr>
<td>Michelle Bronner</td>
<td>July 21, 2014</td>
</tr>
<tr>
<td>Jon Dana</td>
<td>August 19, 2014</td>
</tr>
<tr>
<td>Dick Umile</td>
<td>August 19, 2014</td>
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<tr>
<td>Bill Herrion</td>
<td>August 20, 2014</td>
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<tr>
<td>Sean McDonnell</td>
<td>August 19, 2014</td>
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<tr>
<td>Kathleen Grace-Bishop</td>
<td>August 18, 2014</td>
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<tr>
<td>Dennis Dupuis</td>
<td>August 18, 2014</td>
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<tr>
<td>David Cross, Ph. D</td>
<td>September 8, 2014</td>
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<tr>
<td>Patricia Hanley</td>
<td>September 8, 2014</td>
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<tr>
<td>Linda Guttman, Psy.D.</td>
<td>September 8, 2014</td>
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<tr>
<td>Paul Dean</td>
<td>July 28, 2014</td>
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<tr>
<td>Sharyn J. Potter</td>
<td>September 10, 2014</td>
</tr>
<tr>
<td>Associate Professor of Sociology Prevention Innovations</td>
<td>September 10, 2014</td>
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<tr>
<td>Jane G. Stapleton</td>
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<tr>
<td>Affiliate Instructor – Women’s Studies Program</td>
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<tr>
<td>David Zamansky</td>
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<tr>
<td>Memorial Union Building</td>
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<td></td>
<td>September 10, 2014</td>
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<tr>
<td>Name and Title</td>
<td>Interview Date</td>
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<tr>
<td>Sara Jayne Steen</td>
<td>November 26, 2014</td>
</tr>
<tr>
<td>President</td>
<td></td>
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<tr>
<td>Julie Bernier</td>
<td>July 23, 2014</td>
</tr>
<tr>
<td>Provost &amp; VP for Academic Affairs</td>
<td></td>
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<tr>
<td>Jim Hundrieser</td>
<td>July 23, 2014</td>
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<tr>
<td>VP for Student &amp; Academic Services</td>
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<tr>
<td>Frank Cocchiarella</td>
<td>July 23, 2014</td>
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<tr>
<td>Assistant VP for Student Affairs &amp; Residential Life</td>
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<tr>
<td>Jeff Furlone</td>
<td>July 23, 2014</td>
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<tr>
<td>Dean of Students</td>
<td></td>
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<tr>
<td>Title IX Coordinator</td>
<td></td>
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<tr>
<td>Jeannette Wiggett</td>
<td>Wednesday, July 23, 2014</td>
</tr>
<tr>
<td>Associate Dean of Students</td>
<td></td>
</tr>
<tr>
<td>Elaine Doell</td>
<td>July 28, 2014</td>
</tr>
<tr>
<td>Director of Human Resources &amp; Title IX Compliance Officer</td>
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<tr>
<td>John Clark</td>
<td>July 24, 2014</td>
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<tr>
<td>Director of Athletics</td>
<td></td>
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<tr>
<td>Courtney O’Clair</td>
<td>July 24, 2014</td>
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<tr>
<td>Associate Athletic Director for Compliance</td>
<td></td>
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<tr>
<td>Kim Bownes</td>
<td>July 28, 2014</td>
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<tr>
<td>Associate Athletic Director and Senior Women’s Administrator</td>
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<tr>
<td>Mark Legacy</td>
<td>July 24, 2014</td>
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<tr>
<td>Head Athletic Trainer</td>
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<tr>
<td>Michael Fischler</td>
<td>July 24, 2014</td>
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<tr>
<td>Director of Counseling and Human Relations Center</td>
<td></td>
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<tr>
<td>Richard Bailey</td>
<td>July 24, 2014</td>
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<tr>
<td>Director of Public Safety</td>
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</tbody>
</table>
### Keene State College

<table>
<thead>
<tr>
<th>Name and Title</th>
<th>Interview Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anne Huot, Ph.D. President</td>
<td>November 19, 2014</td>
</tr>
<tr>
<td>Walter Zakahi Provost</td>
<td>July 31, 2014</td>
</tr>
<tr>
<td>Dottie Morris Chief Officer of Diversity and Multiculturalism (Title IX Compliance Officer)</td>
<td>July 30, 2014</td>
</tr>
<tr>
<td>Patty Francis, Ph.D. Chief of Staff</td>
<td>July 30, 2014</td>
</tr>
<tr>
<td>Kemal Atkins VP for Student Affairs and Enrollment Management</td>
<td>August 4, 2014</td>
</tr>
<tr>
<td>Gail Zimmerman Associate Vice President and Dean of Students</td>
<td>July 31, 2014</td>
</tr>
<tr>
<td>Kim Harkness Director of Human Resources</td>
<td>July 30, 2014</td>
</tr>
<tr>
<td>John Ratliff Director of Human Resources</td>
<td>July 31, 2014</td>
</tr>
<tr>
<td>Rob Colbert Associate Athletic Director</td>
<td>July 30, 2014</td>
</tr>
<tr>
<td>Denise Lyons Senior Women’s Administrator</td>
<td>August 4, 2014</td>
</tr>
<tr>
<td>Christine Burke Director of Center for Health and Wellness</td>
<td>August 4, 2014</td>
</tr>
<tr>
<td>Brian Quigley Director of Counselling</td>
<td>August 4, 2014</td>
</tr>
<tr>
<td>Amanda Guthorn Director of Campus Safety</td>
<td>July 31, 2014</td>
</tr>
</tbody>
</table>

### Granite State College

<table>
<thead>
<tr>
<th>Name and Title</th>
<th>Interview Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scott Stanley Interim Provost and VP of Academic Affairs</td>
<td>August 21, 2014</td>
</tr>
<tr>
<td>Kate O’Neill, Director Of Student Affairs (New Title IX Person)</td>
<td>August 21, 2014</td>
</tr>
<tr>
<td>Peter Conklin, Director Of Facilities, Safety And Sustainability</td>
<td>August 21, 2014</td>
</tr>
<tr>
<td>Beth Doren, Vice President of Administrative Services</td>
<td>August 21, 2014</td>
</tr>
<tr>
<td>Maggie Hyndman, Human Resources Manager</td>
<td>August 21, 2014</td>
</tr>
</tbody>
</table>
Appendix II

List of Additional Documents Received
University of New Hampshire

- Prevention Innovations Letter to President Huddleston
- 2010 – 2015 AAUP Cover & TOC
- 2010 – 2015 AAUP Contract 7.6.12
- Student Rights and Responsibilities
- Discrimination & Discriminatory Harassment Policy Booklet July 2014
- UNH HR Page re: Discrimination & Harassment
- SHARPP UNH – How to Respond
- Annual Security & Fire Safety Report 10.1.14
- SHARP Web Site
- Title IX UNH Offices Roles Contact, Updated 6.17.14
- SHARPP Online Brochure
- Affirmative Action and Equity Policy UNH
- Consensual Amorous Relationship Policy
- Clery Act Report – UNH
- Online Personnel Policies
- What Every UNH Employee Needs to Know 5.1.14
- What Every UNH Student Deeds to Know 7.17.14
- UNH Faculty – Reporting Requirements on Website
- Protocol Flow Chart from Donna Marie Sorrentino
- Banyard Letter to Rubinstein 6.18.13
- Letter from Banach et al to Huddleston 5.29.14
- Lawing email to Rubinstein 6.26.14
- Banyard letter to Rubinstein 6.18.13
- Response to 6.4.14 email
- Title IX Letter to Huddleston 5.29.14
- Map of UNH
- UNH Counseling Ctr: A Note from the Staff/Our Services
- Counseling Center P&D
- Title IX Information
- Information & Acknowledgement Form
- Year In Review 2012-2013
- Judge Nadeau Order in Darnell Steadman Case 1990
- Compliance Checklist & Reporting Requirements
- Letter from US Department of Education
- Student Code of Conduct & Conduct Process
- Email from Stephen Nelson re: SRRR Statement and Proposed Plan
- Turn the Tide Information – SHARPP (Campus Resources)
- Email from Anne Lawing re: “responsible employee” under Title IX
- Email from Judy Spiller re: CampuSaVE Checklist
- Letter to President Huddleston from DeMitchell re: changes in policy
• Letter to Vice President from Prevention Innovations staff
• Sexual Assault, Domestic Violence…SHARPP edits
• Office of Conduct and Mediation - Incidents past 3 years

**Keene State College**

• Athletic Dept. Hiring Process
• Athletic Dept. Sexual Assault Protocol
• Athletic Dept. Policy on Amorous Relationships
• Athletic Dept. Massage Protocol
• KSC Student Athlete Handbook
• Sexual Misconduct Policy
• Campus Safety – Silent Witness
• Policy on Sexual Harassment
• KSC Policy on Sexual Harassment
• KSC – Center for Health and Wellness Sexual Assault Protocol
• KSC Specific Duties for Chief Compliance Officer for Title IX and Clery Act
• Cover Letter to HR from Amanda M. Guthorn
• Amanda Guthorn Current Resume 2014
• Memo to President Huot from Amanda Guthorn regarding Title IX/Clery Compliance Position

**Plymouth State University**

• PSU Faculty Handbook
• Procedures & Process Guide for Sexual Assault/Sexual Misconduct Complaints
• Get Connected – Prevention at PSU Pamphlet
• Voices Against Violence Pamphlet
• Student Affairs Org Chart: Functions Reporting
• Expectation of Honesty Form
• Title IX/SAVE Act Prevention & Training Checklist from ATIXA
• Concern, Assessment, Referral, Education (C.A.R.E.) Form
• Student Handbook Sanctions/Timing Retaliation & Related Misconduct
• Counseling Ctr. Guidelines for Sexual Assault Response
• Info from Student Handbook about Sexual Assault/Misconduct & Harassment
• PSU Student Handbook – Harassment
• PSU Student Handbook Overview
• Dean’s Office Procedures & Process Guide for Sexual Assault/Misconduct Complaints
• Initial Client Contact Sheet – Counseling Center
• PSU Title IX Training for the First Year Seminar
Appendix III

Additional Information on Regulatory Framework
Title IX

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that prohibits discrimination on the basis of sex in education programs and activities and in employment. Title IX applies to all colleges and universities that receive federal financial assistance, either directly or indirectly.

Title IX states that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Although, Title IX was originally known for its mission to achieve gender equity in athletic programming, Title IX’s protections are much broader in scope. Title IX applies to all forms of sexual discrimination, including sexual harassment, sexual assault, and sexual violence. Title IX applies equally to students, faculty and staff and protects students and employees from sexual harassment by any school employee, student, or non-employee third party.

Generally, Title IX requires that (i) a school publish a non-discrimination statement, (ii) appoint a Title IX Coordinator, (iii) adopt grievance procedures that are prompt and equitable and allow for adequate, reliable, and impartial investigation of complaints, (iv) provide education and prevention programs, (v) provide general training for all campus community members as to the school's policies and procedures and (vi) provide specific training for implementers and adjudicators relating to the school’s grievance procedures and its proper response to complaints of sexual harassment and sexual violence.

Title IX requires that a school’s grievance procedures be prompt and equitable. Policies must designate reasonably prompt timeframes for the major stages of the complaint process. Both the complainant and the respondent should be given periodic status updates, receive notification of the outcome, and be informed of his/her right to appeal. There should be mechanisms for remedies, which address both individual and community safety, implement no contact orders, provide academic support, adjust academic schedules or living arrangements, provide counseling or emotional support, and allow for other equitable solutions or responses for both parties. Grievance procedures should include an investigation that is adequate, reliable and fair, apply a specified evidentiary standard and balance the rights of the complainant and respondent.

Under Title IX, if a school knows or reasonably should know about sexual harassment that creates a hostile environment, the school must eliminate the harassment, prevent its recurrence, and address its effects. A school violates Title IX if it has “notice” of a sexually hostile environment and fails to take immediate and corrective action. A school is deemed to have notice if a responsible employee knew or, in the exercise of reasonable care, should have known about the harassment. A responsible employee includes any employee who: (i) has the authority to take action to redress the harassment; (ii) has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or (iii) a student could reasonably believe has the authority or responsibility to take action.

The Clery Act

The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (the “Clery Act”), 20 U.S.C. § 1092(f), is a federal statute, enacted in 1990, that requires all schools that receive federal financial assistance, either directly or indirectly, to keep and publish information about crime on or near their campuses. The purpose of the Clery Act is to provide
students, their families and employees with accurate, complete, and timely information about campus safety to better inform future decisions.

The Clery Act requires that schools report offenses and disclose statistics for crimes that were reported to the local police and campus security authorities. Reportable crimes include those that occurred on-campus, in or on on-campus buildings or property, or on public property within or immediately adjacent to and accessible from the school’s campus. It is not necessary for the crime to have been investigated by the police or a campus security authority, nor must a finding of guilt or responsibility be made, as long as there is a reasonable basis for believing the information is not rumor or hearsay, it should be reported.

Under the Clery Act, the report must contain information about: (i) where the crime occurred, (ii) the type of crime, (iii) to whom the crime was reported, and (iv) when the crime was reported. When reporting sex crimes, the offenses should be divided into two categories: forcible and non-forcible. Forcible sex offenses include (i) any sexual act that is directed against another person either forcibly and/or against that person’s will or (ii) non-forcibly or against the person’s will and the victim is incapable of giving consent.

Additionally, the Clery Act requires that the school’s campus security authorities maintain a public daily crime log of all crimes reported to them. The log must include information about: (i) the nature of the crime, (ii) the date of the crime, (iii) the time of the crime, (iv) the general location of the crime and (v) the disposition of the complaint, if known. The log must be accessible to the public during normal business hours and remain open for 60 days, after which it must be made available upon request within two (2) business days.

The Clery Act requires timely warning notification to the public of all Clery Act crimes that are reported to campus security authorities or local police and are considered by the school to represent a series of continuing threats to students and employees. Warnings are to be made as soon as the pertinent information is available, in order to effectively alert the community of a continuing threat to safety and aid in the prevention of similar crimes. The decision of whether to warn the community is to be made by the school on a case-by-case basis, taking into consideration the nature of the crime, the threat of continuing danger and the coordination with law enforcement. If the school concludes that a warning is appropriate, the warning should be made in a format that is reasonably likely to reach the entire campus community, i.e. via e-mail, intranet, text message, etc.

Finally, the Clery Act mandates that schools develop policies, procedures, and programs regarding sex offenses. The reporting procedures should outline the procedures that a student should follow if a sexual offense occurs, including who should be contacted, the importance of preserving evidence, and to whom the alleged offense should be reported. The school should also have procedures for disciplinary action, including an equal right to have persons present during the proceeding, to be informed of the outcome and the sanctions imposed, and to speak about the offense. Additionally, the policy should list the potential sanctions for offenses. The victim should be informed of his/her right to call both local and on-campus police, the availability of on-campus and off-campus counseling and mental health services and the options for reasonable accommodations in changing academic and living situations after an alleged sexual assault incident.
Campus SaVE Act

On March 7, 2013, President Barack Obama signed a bill reauthorizing the Violence against Women Act. Included in the bill was the Campus Sexual Violence Elimination Act (“Campus SaVE Act”). The Campus SaVE Act requires that incidents of domestic violence, dating violence, sexual assault, and stalking be disclosed in annual Clery Act Reports. It also requires that students or employees reporting victimization be provided with their written rights to: (i) be assisted by campus authorities if reporting a crime to law enforcement, (ii) change academic, living, transportation, or working situations to avoid a hostile environment, obtain or enforce a no contact directive or restraining order; and (iv) have a clear description of their institution’s disciplinary process and range of possible sanctions. Students or employees reporting victimization should also receive contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community.

The Campus SaVE Act further provides that, at a minimum, institutional disciplinary procedures covering domestic violence, dating violence, sexual assault, and stalking should include the following: (i) disciplinary proceedings will have a prompt, fair, and impartial investigation and resolution and will be conducted by officials receiving annual training on domestic violence, sexual assault, and stalking; (ii) both parties may have others present during the disciplinary proceeding and any related meeting, including an advisor of their choice; and (iii) both parties will receive written outcomes of all disciplinary proceedings at the same time.

The Campus SaVE Act further requires educational institutions to provide programming for students and employees addressing the issues of domestic violence, dating violence, sexual assault and stalking. Education programs should include: (i) primary prevention and awareness programs for all incoming students and new employees, including safe and positive options for bystander intervention; (ii) information on risk reduction to recognize warning signs of abusive behavior; and (iii) ongoing prevention and awareness programs for students and faculty.

The Campus SaVE Act also established collaboration between the U.S. Departments of Justice, Education, and Health and Human Services to collect and disseminate best practices for preventing and responding to domestic violence, dating violence, sexual assault, and stalking.
Appendix IV

List of Specific UNH Policy Changes
1. Include the Title IX Coordinator’s name, title, responsibilities and contact information in each of the guides consistently, as required by the Apr. 4, 2011 Dear Colleague Letter. Currently, the UNH-DDHP references just the title of Affirmative Action and Equity Office or the ADA Compliance Officer, rather than a Title IX Coordinator and does not provide the name of the Title IX Coordinator at all. Section 10.2 of the UNH SRRR contains a confusing list of directions for a student to follow to find a person to whom to report a claim of harassment.

2. Coordinate “Grievance Procedures” between (a) SRRR, (b) the DDHP and (c) the postings on the UNH website titled “What every UNH Student Needs to Know” and “What every UNH Employee Needs to Know”. The SRRR states that all “inquiries” will be done by the Director of the Office of Community Standards or designee (See SRRR, Section IV. A.1.), whereas the DDHP states that the Director for Affirmative Action and Equity will be responsible for any judicial process for student misconduct that violates the discrimination policy (See Section 5.6.1).

3. Coordinate and clearly describe the process, including the time frames, for the complaint process and the investigative process for Title IX complaints in all documents. Section 10 of the SRRR and Sections 5.8.3 and 5.9 of the DDHP should also be reviewed and conformed to page 26 of the UNH ASR with respect to the process for filing of and resolution of complaints. Currently, they are inconsistent and confusing.

4. The DDHP should be reviewed generally and updated for correct title references throughout.

5. Section 10 of the UNH SRRR should be conformed to Section 2 of the UNH SRRR, and be reviewed to update correct campus names (e.g., there are still references to the Office of Conduct and Mediation which is now Office of Community Standards).

6. Section 10.2 of the UNH SRRR should be entitled “Discriminatory Harassment.”

7. Provide a discussion of UNH’s education programs, including primary prevention, bystander intervention and ongoing programs through the Memorial Union Building and SHARPP to promote awareness of rape, sexual assault, acquaintance rape, domestic violence, dating violence and stalking in the UNH SRRR and the UNH DDHP. There are some descriptions in Section 5.12 of the UNH DDHP and in page 29 of the UNH ASR, but these descriptions should be conformed and consistent.

8. The UNH DDHP and the UNH SRRR should be updated to include definitions of domestic violence, dating violence and stalking, similar to the UNH ASR.
Exhibit A

Letter from Mark W. Huddleston, Pres., Univ. of N.H. July 10, 2014
Dear Colleagues,

Thank you for your letter, emailed to me on June 4, expressing concerns regarding the development and implementation of a draft protocol for the institutional response to reports of sexual violence and your belief that this protocol reflects “troubling changes in UNH policies pertaining to the University’s response to sexual assault survivors.” Since receiving your letter, I have taken the opportunity to become more familiar with the issues surrounding the development of this protocol and I believe that I can now respond more fully to the concerns that you have raised, particularly as they pertain to issues of communication and training.

First, I start with the premise that every person at UNH shares a commitment to reducing, if not eliminating, the occurrence of sexual violence at this institution and to ensuring that when such incidents do occur, the University responds to survivors in an appropriate, respectful, and
supportive manner. This is consistent with your observation about the value that we associate with the “empowerment model” at UNH, and there is no institutional interest in altering this commitment to be “survivor-centered;” however, the University also has obligation to ensure that our approach does not inadvertently cause us to fail in fulfilling our obligations to the entire university community under federal law. I recognize that this is a complex issue and that point might appear paradoxical, so I will elaborate in order to promote common understanding among us.

For background, the April 2011 “Dear Colleague Letter” (DCL) arose out of what is now more than 30 years of court cases that have drawn a clear line between Title IX and the legal obligations of schools to acknowledge, and respond effectively to reports of sexual violence. Under ideal circumstances, these cases should have made it clear to all institutions of higher education (and, in fact, to all schools) that we have these responsibilities; however, as I am sure that you are aware from the regular reports in both the popular press and those sources that focus on higher education, there have been numerous instances in which institutions have either failed to respond to reports of sexual violence or have responded so ineffectively or inappropriately as to contradict that expectation.

While elements of the letter from the Department of Education’s Office of Civil Rights (“OCR”) are subject to interpretation or debate, one element that is unequivocal in the DCL is the statement that “If a school knows or reasonably should know about student-on-student harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.” The key implication of this statement and particularly of the clause that is highlighted in bold, is that when “the University” knows about sexual violence, it has a responsibility to act.

To be clear, the obligation “to take immediate action” should not be misconstrued as being antithetical to the empowerment model. Whether that action involves the Office of Affirmative Action & Equity or the UNH Police Department as “first responders,” I am confident in an expectation that the initial outreach to a survivor will be handled in an appropriate, respectful manner by trained staff who understand that the primary objective of that first contact will be to convey that a report has been received and to provide the survivor with appropriate information about rights, resources (including SHARPP) and avenues of recourse should the individual want to pursue those paths. Any subsequent actions to be taken by either of those offices would be discussed with the survivor, and trained personnel would carefully explain that the University’s ability to respond would be limited if the survivor declines actively to engage in the process. Although I will acknowledge that there could be cases where the university would be obligated to proceed without survivor participation in order to meet its responsibility to provide a safe and nondiscriminatory environment for all students, I expect such cases would be relatively rare.

Regarding whether this reflects a change to policy or practice seems to be a matter of some confusion. A duty to report incidents involving employee-on-student harassment (following Schneider v. Plymouth State College, 1999) has existed for all faculty and staff at UNH for 15 years. This was one of several specific reporting obligations outlined by USNH General Counsel Ron Rodgers in a letter that circulated to the UNH community in November 2011 following events that were uncovered at Penn State, but as I wrote in an accompanying statement that
appeared in the Campus Journal with Ron’s letter, I believe that adhering to the minimum legal reporting requirements is not enough. As Ron wrote, there are “…long-standing practices of the University to report illegal behaviors that are antagonistic to the University’s mission and expectations,” and in cases involving sexual violence, I believe that this is everyone’s responsibility.

While I do hope that a referral is offered to SHARPP in every instance when a faculty or staff member becomes aware of an incident of sexual harassment having occurred, it is important for members of the UNH community to understand that this is still not enough. While I am confident that those making the referral would have good intentions, I am not certain—particularly without much more training across campus—that all faculty and staff are equally knowledgeable, comfortable or confident about making that referral in a manner that increases the likelihood that a survivor would follow through and reach out to SHARPP. This is one possible benefit of an institutional protocol that would channel all such reports to either the Office of Affirmative Action & Equity or the UNH Police Department.

More importantly, as I noted above, it is an unequivocal institutional responsibility to act—again, in appropriate and sensitive manner—when the University "knows or reasonably should know" that an incident of sexual violence has occurred. Based on the “Schneider Case” in New Hampshire as well as current investigations and previous determinations by OCR, awareness by faculty and staff would almost certainly satisfy this criterion for institutional knowledge and failure to act upon that knowledge would invite both individual and institutional liability.

To summarize, the University does have an obligation to act upon reports of sexual violence that are made to virtually all faculty and staff (with the exceptions of those staff serving in roles with SHARPP, the Counseling Center and Health Services who are prohibited from such disclosures by statute or professional standards and who are exempt from reporting most incidents of sexual violence). As such, the University also has an obligation to communicate this expectation clearly and to provide appropriate training to support this requirement. OCR guidance specifically directs that “…schools need to ensure that employees are trained so that they know to report harassment to appropriate school officials…" Based on your letter and feedback gathered in the course of investigating your concerns, I have been in touch with the General Counsel’s Office, our Office of Affirmative Action & Equity, and Human Resources to ensure that we develop and implement appropriate training and collateral materials to support this effort.

I am mindful that the Commissions’ letter expressed a need for further and more inclusive dialogue about a proposed change to practice that would be reflected in our protocol, but from my review of this matter, I do believe that the proposed protocol represents more of a clarification of existing institutional expectation than a change (though the gaps in training and awareness have likely contributed to a perception of more dramatic departure from past practice). Additionally, because I perceive this to be a legal obligation, I do not know how we could modify this requirement without inviting risk of significant legal exposure to both individuals and the institution.
Still, I appreciate the Commissions’ interest in this issue and will ask that Affirmative Action & Equity and Human Resources work closely with representatives of the Commissions to ensure effective implementation of the new training.

Thank you for having raised this set of concerns.

Sincerely,

Mark W. Huddleston
President
Exhibit B

Counseling Center, Univ. of N.H., Information and Acknowledgement Form (Jul. 2014)
INFORMATION AND ACKNOWLEDGEMENT FORM

The following is an outline of certain policies that govern the work of The Counseling Center, UNH. Clients who request services are asked to read this information and acknowledge that they have done so by signing at the bottom of the page. Thank you.

ENVIRONMENT OF RESPECT: We foster an environment of respect and inclusion at the Counseling Center. We expect all students who seek our services to be respectful of our staff and other students. We reserve the right to decline treatment to those who are not able to be respectful.

SCHEDULING: When filling out your schedule at our computer kiosks, it is important to mark WHEN YOU ARE NOT AVAILABLE. Failure to complete your schedule according to our instructions will result in a delay for receiving counseling.

FOR SURVIVORS OF SEXUAL ASSAULT AND SEXUAL HARRASSMENT: The UNH policy interpretation of the Title IX is that all employees except those offices with privilege communication (including The Counseling Center, Health Services, and SHARPP) must report incidents of sexual assault to the UNH Chief of Police and incidents of sexual harassment to the Affirmative Action Office. The Affirmative Action Office may be able to intervene and enforce sanctions that the police cannot. An investigation may ensue with or without your consent. Please talk with your counselor if you are involved in this kind of situation.

QUALITY CONTROL: The Counseling Center staff is committed to providing high quality services to UNH students that include the assessment, diagnosis, consultation and treatment planning for mental health issues. Prior to first appointment you are asked to complete a checklist, and if seen at the Counseling Center for counseling, you will be asked to complete it again periodically. The information collected from these will be used to help Counseling Center staff to evaluate the efficacy of the Center’s services. You may ask your therapist to review your checklist after counseling has ended.

FEES AND INSURANCE: The Counseling Center is funded by your Health/Counseling fee and our services are available, if deemed clinically appropriate, to all UNH students who have paid this fee. Separate fees are paid for the academic year and the summer session. Additional fees will be billed directly to you in the event that your therapist has to participate in any legal proceedings on your behalf (even if we are compelled to testify by another party) at a rate of $200/hour. This is inclusive of preparation as well as court time. Further, additional fees will be billed directly to you in the event that you miss an appointment with our Psychiatrist without 24 hours notice. We routinely ask for insurance information in the event of a psychiatric emergency and we need to make a referral. The Counseling Center will not be billing your insurance for any services received here.

CODE OF ETHICS: Our staff includes ten Staff Psychiatrists, three Doctoral Fellows, three Doctoral Interns and three Administrative Assistants. All of our staff are trained with respect to confidentiality and governed by the Code of Ethics of the American Psychological Association. Copies of this Code are available at all times in the waiting room. Complaints concerning any clinical staff or treatment can be directed to Dr. David Cross, Director of the Counseling Center, or may be sent to: The NH Board of Psychology, 129 Pleasant St., Concord, NH 03301.

SOCIAL MEDIA POLICY: The Counseling Center does not engage in any social media platforms with current or former clients.

RIGHTS OF CONSULTATION: Your therapist may be unlicensed or working on a graduate degree and, as a consequence, is being supervised by a staff psychologist. Senior staff might also consult with their colleagues and associates in order to provide the highest quality treatment. You will be provided any information you request concerning the purpose and scope of such consultation.

TAPING OF COUNSELING SESSIONS: On occasion, staff members of The Counseling Center may request your permission to audio and/or video tape your counseling session(s) in order to review and evaluate our services, and to supervise our therapists in training. No recordings shall be made without your prior knowledge and written consent.

MAINTAINING PROFESSIONAL BOUNDARIES: Therapists are obligated to maintain appropriate boundaries with current and past clients. Friendships, sexual relations or any sexual contact between a therapist and a client or former client are inappropriate, and prohibited by The Counseling Center policies, The American Psychological Association Ethical Principles, and is not permitted by the University of New Hampshire.

ADDITIONAL SERVICES: If your psychological issues are substantially affecting your ability to learn, you may be eligible to register under the American with Disabilities Act, through the Disability Services for Students Office, for psychiatric disability status and academic accommodations. We also encourage you to have a physical at Health Services if you have not had one in the last year.

CURTAILED OPERATIONS: Occasionally, the University curtails operations (closes) due to inclement weather. When operations are curtailed, the Counseling Center is closed. If you are in need of emergency services call 862-2090 and follow the menu instructions to reach the Center for Behavioral Health at Portsmouth Hospital.

I have read and understand the foregoing information regarding certain policies of The Counseling Center. I also understand I can obtain more information about those and other policies from my therapist or the Director of The Counseling Center.

Signature: ___________________________ Date: ___________________________

Print Name: ___________________________

For Office Use Only:
Client refused to sign.
Client unable to sign.
Welcome to the Counseling Center.

The purpose of our first contact is to determine how we can best be of help to you. We hope you will feel free to talk with us or ask us about whatever subject you choose. This document contains important information about our professional services and business policies. Once you sign this it will constitute a binding agreement between us.

INITIAL MEETING: Initially you will see a therapist for about 30 minutes. The goal of this meeting is to assess your concerns, and determine how your needs can best be met. All available resources will be considered, both on campus and off campus. Some students benefit greatly from just the initial meeting, and decide that nothing further is needed. Some students benefit from becoming involved in group counseling. If your future contacts here include individual counseling, it is possible that you will meet with someone other than the person you spoke with today.

SERVICES: The Counseling Center offers several forms of treatment, including:

1. **Group Counseling:** Becoming part of a group led by a group therapist gives you the opportunity to receive support and encouragement from other individuals who have had similar experiences and perhaps have different perspectives.

2. **Individual Counseling:** In individual counseling you will meet with a therapist. Together you will develop goals and move towards them. Similar to group counseling, you will receive support and encouragement. The individual counseling offered here is short term in nature.

3. **Couples Counseling:** In couples counseling you and your partner will meet with a therapist to work on relationship issues.

Once your appointment is scheduled, you are expected to be here or cancel your appointment for any reason that you cannot attend. If you miss a scheduled appointment and we do not hear from you within two business days to reschedule, you will lose your time with your therapist. Likewise, the Counseling Center will discontinue services to clients who cancel two consecutive appointments. We welcome you back for services at any time, however, when there is a waiting list, you will be placed on the bottom of the list which can sometimes be 3-4 weeks long.

The Counseling Center is open for counseling during the academic year between 8:00 AM and 5:00 PM. We provide emergency services during those hours. To access emergency services after 5:00 PM you can call 862-2090/TTY: 7-1-1 or 800-735-2964 (Relay NH) and your call will be forwarded to speak with someone from the Center for Behavioral Health at Portsmouth Hospital. In person evaluations at the hospital will be billed to your insurance. The Counseling Center is open for counseling during the summer session between 8:00 AM and 5:00 PM on Tuesday, Wednesday, and Thursday. All services are limited or not available during breaks and any other times that the Residence Halls are closed. If you have any questions about these limitations, please ask your counselor.

CONSENT TO TREATMENT: Psychotherapy is not an exact science. Psychotherapy outcome research over the last two decades indicates that, of those who complete their final paperwork, most feel better and function better in a variety of areas after treatment. Success in therapy is dependent upon many factors, some that reside within the client (i.e. motivation for change), and some that reside within the therapist (i.e. particular skills and techniques) and some that result from the interaction and match between the therapist and client. Research points strongly to the alliance between a particular therapist and particular client as being extremely important (Wampold, 2001; Norcross, 2004; Goldfried, 2004). A strong alliance is indicated by such things as: feeling understood and respected by your therapist, agreeing on the goals and tasks of treatment, and seeing your therapist's approach as a "good fit" for you. We hope that you will let your therapist know if any of these factors need to be addressed. The type of treatment we offer is called Planned Short Term therapy. The time frame we use is "up to eight sessions". The clients who get the most out of short-term work are usually those who are able to enter into a collaborative working relationship rather quickly. Although positive outcomes are likely, they cannot be guaranteed. Some clients may start to feel worse before feeling better. This may take the form of increased anxiety, depression and/or vulnerability. Most of these experiences get worked out in the counseling process. The Psychologists, Fellows, and the Interns draw from a variety of approaches. We attempt to figure out what will be most helpful for you, given your history, presenting issue(s), goal(s), and what has worked for you in the past. We will discuss a treatment plan with you regarding what might be most helpful and expect that you will work collaboratively with us on meeting your goals. If Planned Short Term therapy does not seem appropriate, we can make referrals to other resources.

Often by mid-semester the Counseling Center has a waiting list. Usually most students with reasonable schedules are seen within three weeks after their initial appointment.

I have read the above risks and benefits of counseling. My signature indicates my consent to treatment.

---

**Signature**

**Date**

---

For Office Use Only:

- [ ] Client refused to sign.
- [ ] Client unable to sign.

(OVER)
Default Question Block

Creating a Safe Campus at UNH

The University of New Hampshire seeks to make our campus a safe and supportive environment that cultivates learning and personal growth for all students. As part of our commitment and to comply with recent federal mandates, all entering students are required to participate in this module “Creating a Safe Campus at UNH”. It will take approximately {10} minutes to complete. After each section, you will need to check a box to indicate that you have read, understand and agree before you can proceed. You must complete all sections of the module.

The module covers federal and New Hampshire law and UNH rights, rules, responsibilities and resources concerning sexual violence, including sexual harassment, sexual assault, and unwanted sexual contact, dating violence, domestic violence and stalking.

If you have any questions about the module, please contact {first_year@uhn.edu}. This subject matter can be one that personally affects many in our community. If you need to speak to a support person or need further educational information about these issues, refer to UNH’s confidential campus resource, the Sexual Harassment & Rape Prevention Program (SHARPP).

demographics
What is your gender?

- Male
- Female
- Transgender

What was your age at your last birthday?

In which college are you enrolled?

- CEPS - College of Engineering & Physical Sciences
- CHHS - College of Health & Human Services
- COLA - College of Liberal Arts
- COLSA - College of Life Sciences & Agriculture
- PAUL - Paul College of Business & Economics

What will be your new student status at UNH?

- This will be my very first semester at UNH
- I am transferring to UNH from another institution

Where will you live when you begin UNH in August, 2014?

- On campus – Residence Hall or UNH Apartment Choice 1
- Non UNH Housing – Durham
- Non UNH Housing - Other
Which of the following categories best describes your racial background?

- White
- Black or African-American
- Asian or Pacific Islander
- American Indian or Alaskan Native
- Mixed race

Are you of Hispanic origin?

- Yes
- No

Are you a UNH Athlete? (not including intramural or rec center sports team)

- Yes
- No

Block 1
Resources and Reporting

If you or someone else is in immediate danger alert UNH Police by calling 911. Safety of you and others is a top priority. You may also utilize the campus Blue Light alert system. Locate a Blue Light on campus if you are in immediate danger. Law enforcement will respond to your location.

Reporting incidences and receiving support resources for sexual violence, dating/domestic violence and stalking are not mutually exclusive from one another.

A. Reporting Incidences of Sexual Violence:
A student's disclosure involving an incidence of sexual violence, dating/domestic violence and/or stalking, made to any staff, student staff and/or faculty (except for the confidential support providers identified below), will be further reported to appropriate authorities at the University. These University authorities are mandated to investigate to ensure the safety of the victim and the community. A person that reports their incidence will be referred to confidential support resources during the investigative process. Offices that will handle and receive reports are:

- Dean of Students
- UNH Affirmative Action and Equity Office
- UNH Police Department
- UNH Office of Community Standards

B. Receiving Support Resources:
A person that discloses an incidence of sexual violence to one of the below listed confidential, on-campus support resources will be provided options for reporting their incidence to the University and/or law enforcement if they choose to take further action. A confidential disclosure to the below on-campus confidential support resources will not require reporting to the University and/or law enforcement, and students should be aware that discussions with these resources will not cause the University to take further investigative and procedural action.

- The Sexual Harassment and Rape Prevention Program (24 hour campus support center)
- Health Services
- The Counseling Center

NOTE: students may also talk confidentially to an ordained religious leader, such as a minister, priest, or rabbi.

Students that have experienced sexual violence, dating/domestic violence and/or stalking are encouraged to seek support resources and make reports to any and all staff, student staff and faculty that they feel most comfortable to disclose to. Students that make reports will be referred to confidential support resources. Students that disclose incidence of sexual violence to confidential support resources will be informed about options for reporting if they choose to report.

☐ I have read and understand the above.
Block 2

**Sexual Violence**

**Sexual Assault as defined by NH State Law**

Sexual assault is a large category of crime that includes sexual penetration of another person, that is forcible and/or against that person’s will; or, where the victim is incapable of giving consent. New Hampshire law states that sexual assault includes sexual contact (intentional touching of person’s sexual/intimate parts – buttocks, breasts, genitalia) – for the purpose of sexual arousal or gratification of the offender or the humiliation of the victim. It includes touching of those intimate places even through a person’s clothing.

**NH Law ([RSA 632-A:2](#)) states that a person commits sexual assault, a serious crime:**

- If a person overcomes the victim through physical force, violence, superior physical strength
- If the victim is physically helpless to resist
- If a person coerces the victim to submit by threatening to use physical force, violence or superior physical strength. Threatens to retaliate against the victim, or when the victim submits under circumstances involving false imprisonment, kidnapping or extortion.
- If a person administers or has knowledge of another person administering to the victim any intoxicating substance which mentally incapacitates the victim
- If the person is in a position of authority over the victim. Such cases can involve therapist and client relationship, direct supervisory or disciplinary authority over the victim, and probation or parole officer
- If a person knowingly engages a victim that 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
- If a person through concealment or by element of surprise is able to cause sexual penetration with the victim before the victim has an adequate chance to flee or resist
- If a victim is under the age of 16
- If there is a familial relationship between the person and the victim

Complete detail of the law can be found [here](#):

Under NH law - A sexual assault committed by someone that the victim knows carries the same penalties as a sexual assault committed by a stranger against a victim.

☐ I have read and understand the above.

Block 3
UNH Sexual Misconduct
University of New Hampshire Students’ Rights, Rules and Responsibilities

Sexual assault or sexual misconduct is a serious violation of UNH Student Rights, Rules and Responsibilities with consequences that may affect a student's continued enrollment and ability to remain on the UNH campus. **Sexual misconduct** includes any activity that is defined by the NH state law on sexual assault and additionally that occurs "without seeking and receiving expressed permission (consent)" and when the other person's "ability to give expressed permission (consent)" is compromised due to mental/physical disability and/or mental/physical incapacitation due to substance ingestion. Any sexual activity without consent is a violation of the UNH Code of Conduct, and has serious consequences. Seeking and receiving permission to engage in sexual activity is least ambiguous when the behavior of seeking and expressing permission is done with words. If you want to get consent, ask verbally and receive a verbal answer of permission from your partner.

A. Consent at UNH is...

- Expressed permission: an ongoing **verbal interaction**, taken one step at a time, to an expressed yes;
- Mutual permission to engage in sexual activity;
- Mutual agreement based on shared desire for specific sexual activities;
- **Mutual awareness** of possible consequences of activities;
- Each partner remains **open** and **respects** the other partner’s expression of agreement or disagreement to engage in the activity.

B. Consent at UNH is NOT:

- Cooperation: This occurs when someone says yes, because they are too scared or intimidated to say no;
- Compliance: This occurs when someone says yes, because giving in physically/mentally is the easiest thing to do to avoid conflict;
- Power: When there is an imbalance of physical size and strength, or of status or authority, it can feel impossible to honestly express desires and limits;
- Coercion: Some examples of nonconsensual sex include: Getting the other person to say yes by threatening, forcing, manipulating, intimidating, pressuring, blackmailing, drugging, and getting him or her drunk.

**Alcohol** is often used as a tool to commit a sexual assault. Initiating sex or sex acts with someone that is intoxicated is against UNH policy. It is also illegal under the NH law to have sex or initiate sex acts on a person that is incapacitated by drugs and/or alcohol.

☐ I have read and understand the above.

Block 4
Domestic/Dating Violence under NH State Law

Under NH law, domestic/dating violence is abusive acts by a family or household member (roommates are not included) or by a current or former sexual or intimate partner constituting a credible threat to the victim. Abusive conduct reflects an ongoing pattern of behavior which causes a reasonable person to fear for his or her safety or wellbeing. By law, a victim may report the below crimes to law enforcement for criminal action and/or request an order of protection issued from the civil courts called a protective order. The crimes listed below are categorized as domestic violence crimes because of the familial, household, or intimate partner relationship between to the two persons involved.

Abusive acts include:

- **Assault or reckless conduct** (NH RSA 631:1 – NH RSA 631:3)
- **Criminal Threatening** (NH RSA 631:4)
- **Sexual Assault** (NH RSA 632-A:2 – NH RSA 632-A:5)
- **Interference with Freedom** (NH RSA 633:1 – NH RSA 633:3)
- **Destruction of Property** (NH RSA 634:1 – NH RSA 634:2)
- **Unauthorized entry** (NH RSA 635:1 – NH RSA 635:2)
- **Harassment** (NH RSA 644:4)

Complete detail of the law can be found here: NH RSA 173:B

Domestic Violence Petition: A person in fear for her/his safety from an abusive relationship may also obtain a Civil Court Order of Protection. This petition for protection will court order the abusive party to not have contact with the petitioner. It is another resource to help ensure the safety of students on and off campus in the State of New Hampshire. University authorities may be able to assist students who have concerns about their safety even in the absence of a court Order of Protection. Students can contact Student Affairs, University Police or SHARPP for further information.

☐ I have read and understand the above.

Block 5
UNH Domestic/Dating Violence
Under University of New Hampshire Students’ Rights, Rules and Responsibilities

Dating and Domestic Violence are defined as:
Dating and domestic violence are defined as the act or attempt to commit any of the violations listed below by a current or former sexual or intimate partner, under circumstances that constitute a threat to the victim’s safety.

A. Conduct which results in:
- Physical harm,
- Threatening or endangering the health or safety of any person;
- Intimidation (implied threats)
- Coercion (pressuring another unreasonably until an act is not truly voluntary)
- Harassment
- Unwelcome physical contact.

B. Discriminatory harassment. See the Administrative Policies.

C. Stalking, defined as repetitive, menacing pursuit, following, harassment, and/or interference with the peace and/or safety of a member of the community.

☐ I have read and understand the above.

Block 6
Stalking
Stalking as defined by NH State Law

NH State Law defines stalking as a course of conduct targeted at a specific person that causes that person to have reasonable fear for his or her personal safety. A victim may by law report the stalking course of conduct to law enforcement for criminal action and/or request an order of protection issued from the civil court called a Stalking Petition.

A course of conduct means 2 or more acts over a period of time, however short. These acts can include but are not limited to:

- Threatening the safety of the targeted person or that person’s family
- Following, approaching or confronting that targeted person or their family
- Appearing in close proximity to, or entering the targeted person’s residence, place of employment or school.
- Causing damage to the targeted person’s residence or property
- Causing injury to the targeted person’s pet
- Harassing communication

Complete detail of the law can be found here: NH RSA 633:3-a

Stalking Petition:
A person that is in fear for their safety from stalking may also obtain a Civil Court Order of Protection. This petition for protection will court order the abusive party to not have contact with the petitioner. It is another resource to help ensure the safety of students on and off campus in the State of New Hampshire. University authorities may be able to assist students who have concerns about their safety even in the absence of a court Order of Protection. Students can contact Student Affairs, University Police or SHARPP for further information.

☐ I have read and understand the above.

Block 7
UNH Stalking

University of New Hampshire Students’ Rights, Rules and Responsibilities

Stalking Defined
Stalking is defined as a repetitive, menacing pursuit, following, harassment, and/or interference with the peace and/or safety of a member of the community.

☐ I have read and understand the above.

Block 8
Bystander and Risk Reduction

Wildcat Standards

- Get consent for sexual activity each and every time
- Form healthy and respectful relationships
- Volunteer to make UNH a better, safer, more inclusive community,
- Support friends and community members that have been assaulted and
- Hold others accountable for their inappropriate behaviors.

Wildcats are Active Bystanders

Wildcats, when feeling safe to do so, take action and safely help when they see a potentially harmful situation.

Steps to take include

1. **Notice the situation:** Be aware of my surroundings.
2. **Recognize it as a potential danger:** Do I recognize that someone needs help?
3. **Feel responsible to act:** See myself as being part of the solution to help.
4. **Know what to do:** Educate myself on what to do.
5. **Intervene safely:** Take action but be sure to keep myself safe.

- **Tell another person.** Being with others is a good idea when a situation looks dangerous.
- **Ask a victim if he/she is okay.** Provide options and a listening ear.
- **Ask the person if he/she wants to leave.** Make sure that he/she gets home safely.
- **Call the police (911) or someone else in authority or yell for help.**
- **Call the SHARPP 24/7 Support Help Line: 603-862-SAFE (7233) for support and options.**

Acting as a community helps UNH be a safe place. Remember these tips when you are out...

- **Have a plan.**
  Talk with your friends about your plans **BEFORE** you go out. Do you plan to **drink**? Are you interested in **hooking up**? Where do you want to go? Having a clear plan ahead of time helps friends look after one another.

- **Go out together.**
  Go out as a group and come home as a group; never separate and never leave your friend(s) behind.

- **Watch out for others.**
  If you notice a friend’s relationship with their partner has become volatile or abusive, be a good friend and figure out how to let them know that they don’t deserve that abuse. If you are unsure how to go about having that talk with your friend, utilize the confidential services of SHARPP on campus to get expert advice on how to help your friend in an abusive relationship.
Exhibit D

Plymouth State Univ., Title IX Training for the First Year Seminar
Title IX Training for the First Year Seminar

The Campus SaVE Act (2013 VAWA Reauthorization) and/or the OCR require that students receive annual training on Title IX, sexual harassment and sexual violence through face-to-face and online/web content. Recommended student audiences include New Student Orientation, athletics and the entire student body in general.

For fall 2014, athletic teams and first year seminar courses were the groups selected to begin our training efforts. Working in cooperation with the faculty member responsible for overseeing the first year seminar program (FYS), we reviewed the federal mandates and the content we hoped to share. We were then invited to conduct our Title IX overview training for all thirty-six sections of the FYS in fall 2014. We contacted each faculty member and requested a date to attend their class. Response was swift and enthusiastic. The first sixteen sections were done in conjunction with the Student Life staff and were completed by the first week of October. We split the class period between the Title IX training and how to get involved with clubs, activities and organizations on campus. The remaining twenty sections were focused solely on the Title IX training.

The content of all the sessions includes the following:

- **Title IX: What is it? What does it cover and why we are focusing specifically on sexual harassment, sexual assault/violence and all associated polices, information and resources?**
- **Defining PSU’s sexual misconduct policies (sexual harassment, non-consensual sexual touching, non-consensual sexual penetration and sexual exploitation)**
- **Providing information about consent, coercion, force, incapacitation, incapacitated sexual contact and how alcohol and drugs play a significant role in sexual misconduct**
- **Domestic violence and stalking**
- **Dating and relationship violence**
- **Reviewing the Title IX page and the Dean of Students webpage showing students where they can find the following information:**
  - Medical, emotional and reporting support resources/options. This information is presented as “if you or someone you know” to address the larger culture of the campus community (not speaking just to survivors). Our goal is to educate the entire student body about all aspects of sexual violence including knowledge about resources and bystander intervention practices
  - Sexual Misconduct policy including federally required information about how the hearing process works, due process, types of resolutions, grievance procedures, retaliation and amnesty
  - The difference between privacy and confidentiality, including identifying clearly who are the confidential resources on/off campus
  - Explanation of the CARE (Concern, Assess, Referral and Education) process including how to report and how the CARE process works

Overall we feel the trainings have been well received, especially given the nature of the subject matter. We have received very few questions during the presentations; however, many students have followed up or referenced what they learned when meeting with us at a later date. Informal requests for feedback have shown that students felt this was an important topic to learn about and that this format was appropriate. An assessment tool will be implemented for the spring sections of the FYS course.
Exhibit E


Brittany Ballantyne, Students find navigating the path to help difficult to master, The Equinox (April 2, 2014)
Students find navigating the path to help difficult to master

BY JENNIFER MONTEAL

"Tell someone." That is the refrain from current and former Kansas State College students, specialists from the Counseling Center and other campus resources regarding the ongoing case concerning Eugene "Gino" Vallante, who was tried by KSC on March 5, 2014 during an investigation regarding allegations of misconduct.

Dean of Students, Gail Zimmerlein, said it's important, "If a student is feeling uncomfortable in a situation where somebody who has some level of authority over you think — whether it's a faculty member or whether it's a supervisor in a work situation or something like that — to tell somebody. Don't be shy to tell anyone," said Will Wallen, a KSC alumna.

"Especially in situations like this, you can't be worried about what people think about you. If you feel like you have something that you need to be more than willing to just kind of either tell somebody to, even my language, but [people] all — not worried about what people think about you," said Wallen, because if they're making you uncomfortable, it's clearly a reason to.

Vallante, who was employed by KSC in 2013 and has been convicted of discrimination, makes his first court appearance on Friday in the 5th Judicial District Court in Manhattan. He faces a hearing before Judge John S. Roche regarding the case.

COURAGE, CHARACTER AND COMMITMENT LANDS N.H. WOMEN STATE-WIDE AWARD

BY SEBASTIEN RECUARDO

In honor of National Woman's History Month, Kansas State College's President Dr. Anne Hart honored four outstanding women in the area for their courage and commitment at the Alumni Center on March 30. Each woman was recognized for making a difference on the campus and in the Manhattan area.

"This is a Pennsylvania and Kansas State University student, who has been very active in the Kansas State Student Association and also has been very active as a political activist for human rights," said Will Wallen, a KSC alumna.

The award was presented to four women: Trisha Kelly and Lera Nester. At the front of the room in honor and Fletcher said to her, "You are an outstanding student, energetic and dedicated activist and you serve as a resource for your peers. Your written work as well as your passion for learning truly shine through your teacher's eyes."

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Vallantine, a 39-year-old KC athletic director, was shot in the torso at a bar Saturday night.

Police were called to the scene of the shooting at about 2:30 a.m. and found Vallantine suffering from a gunshot wound. He was transported to a hospital and later pronounced dead.

A 20-year-old man was found dead at the scene, and a 27-year-old man was arrested and charged with first-degree murder.

Vallantine had been working at the bar and was a popular figure in the community.

"This is a devastating loss for our community," said Mayor Sly James in a statement. "Vallantine was a leader and role model for many young people in our city. He will be deeply missed.

"Our thoughts and prayers are with his family and friends during this difficult time. We will work to ensure that his legacy lives on through the continued support of our youth.

Vallantine was a dedicated school administrator and a passionate advocate for education. He was a beloved figure in the community and will be greatly missed.

"Vallantine was a great teacher and mentor," said school board member John Johnson. "He was always there to help students and was a role model for all of us.

"He was a true friend to everyone in the community," added school board member Sarah Fischer. "He will be greatly missed by all.

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The Equinox demands clarity for students

As difficult as it may be for the college to face the repercussions of the alleged case of "false" Valliant incidents, before the college can move on, it must as a whole address the underlying climate that permitted Valliant's alleged behavior in the first place.

To the Equinox, it appears the college continues making its public image as important as the well-being of its students. The Equinox believes the college knows the well-being of its students, then the reputation of the college will follow suit. The college needs to be proactive rather than reactive in its preparation of its students to maintain an inappropriate behavior by a person of authority over the student.

First, the college must address making the students where and whom to turn when they find themselves in a situation where persons of authority are acting inappropriately.

A former basketball player and Keene State College alumnus said that in 2010, he was a letter with other members of the basketball team with the intention of addressing the inappropriate behavior of Valliant to students. The alumnus stated the letter was never sent because the players did not know whom to send it to.

According to the KSC policy featured on the college website, Valliant would be accused of allegedly sexually harassing students and of stalking, based on multiple student allegations.

But on the KSC website, if anyone wants to report sexual harassment only, "take action" are listed in a form of a link, leading to an online address. If someone of authority sexually harasses you, would you be comfortable sending something as sensitive as this through an anonymous person whose website title is "Student Action"?

The Equinox asks another question: Was there a climate among the basketball team where students felt they could not go to the Counseling Center? The college seems to orient students well so that do to in peer harassment. Duringfreshman orientation, an entire program titled "The Line," Keene is dedicated to informing incoming students about how to handle inappropriate behavior from peers. What is left out is what students should do if a figure of authority engages in that kind of behavior. This information should be clear and common for students to refer to. It should be as easily understood by students as the term "DC" for the Dean's Discretion, or be as easy to find as Apple Way.

Even during The Equinox's interviewing process, students were hesitant to talk "as one," when describing alleged conversations they said they had with Valliant. How would a student then feel trying to report this word in writing to an authority figure they've never met?

As an example as it is for The Equinox to report this, the college cannot fail until there is a clear and public resolution provided to the entire student body. KSC misses its students more clarity than it has provided. Students deserve more than an email and a face-to-face announcement from the college following the termination of an employee on the basis of misconduct.

Furthermore, if The Equinox is the voice of the student body, how can it provide answers to its KSC constituents when there is a question to provide answers all the way from the president, to the athletic director, and the basketball coach, among others, to respond about the case? It refers all questions to the manager of media relations?

A glass full of milk, puss, hormones and health hazards

For some, what's really in a glass of milk? The answer might have you reaching for a cup of alternative. Believe it or not, pasteurized is not your milk.

Even if that’s not enough, it’s also loaded with hormones. Since cows are kept almost on a steady presence of dairy factory fences. Commercial dairy cow insemination has been promoted by the growth hormone (GH), which is a synthetic hormone marketed to dairy farmers in order to increase milk production in cows. This natural hormone, GH, is found in the pituitary gland in all cows. Researchers who have studied GH in cows found that more milk is produced when there are several levels of hormones.

Most of the farmers using this hormone recognize the profit in not that the health factors in the cows and for the consumer. The bio is not permitted in the European Union and Canada, although it has been used in the United States since 1990 when the Food and Drug Administration (FDA) approved it, according to the FDA. The Equinox has also determined it is safe to consume.

The approval of IGF1 has been a controversial conversation between consumers, scientists, and farmers in the United States for years now. Through scientific studies, milk from cows treated with IGF1 has been recognized to have heart health. Milk with higher levels of IGF1, which is a hormone considered to be a leading risk factor for breast, prostate, colon, and other cancers, according to research from the FDA.

For that reason, U.S. dairy has been battling for their right to label their milk as &HF;HF&e; if they do not report that their milk is processed, but in general, the main issue is the lack of awareness about the hormone by American citizens. It is up to the consumer in deciding whether or not to consume such products.

Lastly, consumers who want to continue drinking milk that with- out the hormones, there are plans that sell &HF;HF&e; milk, other- wise known as organic. One might example is Manning Hill Farm in Washington, New Hampshire. According to their online page, that milk is produced from their cows only. There are no artificial growth hormones in the milk, nor are the cows fed antibiotics, goes fed only. Harris Grillos Farm and the Moomkum Food Co-op both in Keene sell different options of natural milk.

Jester Creveling is a co-creator at &HF;HF&e;.
"This guy should not be in contact with eighteen-year-old boys. That's what I personally think.

JOHN BORROWS

The excitement of finding a star is hard to match. That's why the NBA and the NY Knicks are not very happy with David Fizdale.

As the Knicks' acting head coach, Fizdale has yet to find the right mix of talent. The team's young players are struggling, and the veteran leadership is failing to set an example.

For Fizdale, the pressure is mounting. He needs to prove himself and show that he can lead a young team to success.
Exhibit F

Dean of Student’s Office, Plymouth State Univ., Concern, Assess, Referral and Education Form
Concern, Assessment, Referral, Education (C.A.R.E.) FORM

If the person you are reporting on is an imminent threat or danger, please call 911. Please complete this form to report concerns regarding a student. Your name and contact information is not required, but the CARE team may be limited in their ability to respond if this information is not available. Confidentiality will be protected by the university's FERPA policy. For any questions, please contact the Dean of Students Office at 603-535-2206.

Reporter

Your full name: 
Your phone number: 
Your email address: 

* Today's Date:  
  must be formatted YYYY-MM-DD

* Nature of incident:
  Choose from the following:
  
  * ACADEMIC
  * BEHAVIORAL/SOCIAL

Involved Parties

Please list the student(s) involved, including as many of the listed fields as you can provide. For non-students, please list any ID information available. Please select ‘Add another person’ for anyone else who may be willing to speak with the CARE team about similar concerns.

Student Name  
Select Gender  
Select Role  
ID Number

Add another person

Areas of Concern

Please check all of the boxes that apply and provide a description of the incident(s) or student contact in the provided space. Then answer the questions to the best of your ability, objectively as possible.

ACADEMIC
  □ Poor performance  □ Not attending class  □ Class disturbance  □ Missed exam

BEHAVIORAL/SOCIAL
  □ Concerning behavior  □ Conduct action  □ Unresponsive to outreach  □ Unwelcome behavior
  □ Floor/hall concern  □ Concern about another student  □ Roommate conflict  □ Alcohol abuse  □ Other drug use
  □ Eating/body image concerns  □ Mental health  □ Identity exploration  □ Family circumstances
  □ Financial concerns  □ Relationship issues  □ Hygiene  □ Personal illness  □ Family illness

* Please give a description of the incident (*please include the specific location of the incident if applicable).

Identify any implied or direct threats to self or others. Include any threatening statements made online, in journals, in written assignments. Promptly report any immediate safety concerns to the Police by dialing 911 before proceeding with this form.

Check Spelling & Preview


8/22/2014
* Have you connected with the student about your concerns?
  ☑️ Yes ☐ No

If yes, please describe the nature of that contact

* From this incident, are you concerned for your safety? (If you have immediate concerns, please contact University Police at 603-535-2330 or dial 911.
  ☑️ Yes ☐ No

* From this incident, are you concerned about the safety or health of the student?
  ☑️ Yes ☐ No

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**Supporting Documentation**

Photos, video, email, and other supporting documents may be attached below. *Maximum 12 megabytes per file*

*Attachments require time to upload, so please be patient after you click to submit this report.*

[ Browse... ]

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**One last step ...**

*Help us prevent spam reports.* Prove you’re a human by typing the letters and numbers as you see them in the block to the right. *Capitalization does not matter but cookies must be enabled in your browser for this to work.*

Type it here: YupvZ

I can’t read it; let’s try a different one.

[ Submit report ]

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