



New England  
College

Student Handbook

2024-2025

August 13, 2024 Update

**TABLE OF CONTENTS**

**Letter from the Dean of Students . . . . .5**

**I. Code of Student Conduct . . . . . 6**

Article I: Definitions . . . . .7

Article II: Authority . . . . .10

Article III: Policies . . . . .11

Article IV: Conduct Processes, Student Rights, and Interim Measures . . . . .24

Article V: Sanctions and Appeals . . . . .32

Article VI: Interpretation and Revision . . . . .36

**II. Policies Regarding Sexual Harassment, Sexual Assault, Dating/Domestic Violence and Stalking (Title IX) . . . . . 37**

Policy . . . . .38

Grievance Procedures . . . . .39

Disclosure, Reporting, and the Complaint Process . . . . .42

Sexual Misconduct Board Hearings . . . . .52

Definitions . . . . .58

Resources . . . . .63

**III. Alcohol and Other Drug Policies . . . . .70**

Sanctions for Alcohol and Drug Policy Violations . . . . .71

College Alcohol Policy Specific to Residence Halls . . . . .72

Good Samaritan/Amnesty Policy . . . . .73

Health Risks . . . . .76

**IV. College Policies . . . . . 79**

Academic Policies . . . . .79

College Name . . . . .79

Communicable Diseases . . . . .79

Cyberbullying . . . . .81

Demonstration . . . . .81

Discriminatory Harassment . . . . .82

Drones and UAVs Policy . . . . .84

Equal Educational Opportunities . . . . .85

Fire Safety Information and Policies . . . . .85

Hazing . . . . .87

Respiratory Virus Guidelines . . . . .88

Smoking/Vaping . . . . .90

Weapons . . . . .90

**V. Residential Life and Housing Information and Policies . . . . .91**

Housing Process and Policies . . . . .94

Room Entry and Inspection . . . . .97

	Damages . . . . .	100
	Keys and Lockouts . . . . .	100
	Guests and Visitors . . . . .	103
<b>VI.</b>	<b>Federal Laws . . . . .</b>	<b>105</b>
	Family Education Rights and Privacy Act (FERPA) . . . . .	105
	Campus Sex Crimes Prevention Act . . . . .	110
	Missing Student Notification Policy . . . . .	111
	Drug-Free Workplace Policy . . . . .	112
<b>VII.</b>	<b>New Hampshire State Laws . . . . .</b>	<b>113</b>
	Acts Prohibited . . . . .	113
	DWI-Driving While Intoxicated . . . . .	113
	Facilitating/Hosting an Underage Drinking Party . . . . .	113
	Hazing . . . . .	113
	Heroin . . . . .	114
	Minor in Possession of Alcohol . . . . .	114
	Internal Possession . . . . .	114
	Occupancy Law . . . . .	114
	Prohibited Sales . . . . .	114
	Sexual Assault . . . . .	115
	Transporting Alcoholic Beverages . . . . .	116
	Tobacco Products . . . . .	116
<b>VIII.</b>	<b>Local Laws . . . . .</b>	<b>117</b>
	Henniker Town Noise Ordinance . . . . .	117
	Henniker Town Open Container Ordinance . . . . .	117
	Title IXXI, Motor Vehicles, Chapter 265 . . . . .	117
<b>IX.</b>	<b>Campus Safety . . . . .</b>	<b>119</b>
	Student Identification Cards . . . . .	119
	Emergency Phone Locations . . . . .	120
	Facilities Access . . . . .	120
	Lost and Found . . . . .	120
	Bicycles . . . . .	120
	Operation ID . . . . .	120
<b>X.</b>	<b>Parking Information . . . . .</b>	<b>121</b>
	Parking Appeals . . . . .	121
	Motor Vehicle Code . . . . .	121
	Motor Vehicle Registration . . . . .	121
	Traffic Regulations . . . . .	122
	Parking Regulations . . . . .	123
	Fines and Penalties . . . . .	126

	Ticket Appeals .....	127
<b>XI.</b>	<b>Personal Safety Information .....</b>	<b>128</b>
	Athletic Facilities .....	128
	Timely Warning .....	129
	Driving .....	129
	Henniker Law Enforcement .....	129
	Personal Property .....	130
	Residence Halls .....	130
	Walking .....	131
<b>XII.</b>	<b>Student Financial Information .....</b>	<b>132</b>
	Student Financial Services .....	132
	Course Withdrawal Policy .....	133
	Financial Aid .....	135
<b>XIII.</b>	<b>Student Rights .....</b>	<b>136</b>
<b>XIV.</b>	<b>Students' Right to Know (CLERY) .....</b>	<b>137</b>

## SECTION I. LETTER FROM THE DEAN OF STUDENTS

Dear Students,

It is my pleasure to welcome to you New England College for the 2024-2025 academic year. My name is Jason Buck, and I am the Dean of Students at NEC. I am about to start my 25<sup>th</sup> year at the college and, while many changes have taken place in my time at NEC, some things remain the same. We remain a supportive and diverse community with students from all over the country and world. We remain a place where hands-on learning is embraced, with students exploring the coral reefs in Belize and conducting top-tier research in our IMBRE Program. Our recently-developed Arts Village reflects our long dedication to the arts and the development of creative expression, all while our academic programs embrace emerging technologies as part of the learning process. We reinforce the best parts of small-school community while offering bigger-school opportunities, and I am proud to be a member of this campus.

This fall marks the one-year anniversary of combining our two campuses here in Henniker. We have seen the Arts Village develop into high-quality academic space, and the first Henniker-based Senior Exhibition was a great success. We have exceptionally talented artists in our student body, and I am glad for the skill and perspective they bring to our community.

As you prepare for this coming academic year, please know that so many opportunities await you this year. Join or start a student club – you can make a difference in campus life at NEC. Attend activities and programs, as doing so helps keep our community connected. Take advantage of the supports and resources on campus, as they are here to support your success.

In closing, please use this handbook as a resource during your time at NEC. As my colleagues know, I open the handbook often to check something – and I have been here more than two decades! Most answers to typical questions are found in this handbook. We are glad to personally help with any questions you have, but this handbook is an important resource for you as well. If you are not able to find the answers in here, please reach out to me and our staff when you need assistance. Wishing you a wonderful academic year – and welcome (or welcome back!) to NEC!

Sincerely,

Jason Buck, M.A.  
Dean of Students

## SECTION I. CODE OF STUDENT CONDUCT

Every community has certain regulations and traditions governing the behavior of its members in order to ensure the basic rights of individuals as well as to reflect the practical necessities of the community. A College community is no exception and, perhaps more than others, depends upon members who are mature and have a sense of responsibility. New England College expects students to be mature, honest, and responsible members of their college community and the larger, off-campus community. Any behavior which infringes upon the rights, safety, property, and privileges of another person, or which impedes the educational process of New England College, is unacceptable. Physical violence and personal abuse of others represents behavior that is not conducive to an educational environment and will not be tolerated.

The Code of Student Conduct illustrates the standards of behavior expected of every student at New England College. Each student is an integral part of our campus community and is encouraged to internalize these expectations. Ideally, each student should use these guidelines as a catalyst to impact the New England College community in meaningful, thoughtful ways.

It is each student's responsibility to know, understand, and abide by all College policies and procedures.

Any behavior which may have been influenced by a student's mental state or use of drugs or alcoholic beverages will not in any way limit the responsibility of the student for the consequences of their actions.

New England College is an educational community that holds respect, care, and responsibility as core values. In fact, New England College requires its students to conduct themselves in a manner that ensures the safety and security of all members of the NEC community are maintained. Students in their choices of action and speech, though free, are expected to respect the institution's educational mission, policies, property values, rights of others, and the key principals involved in bias and hate. New England College strives in every way to nurture the fullest development of its students in a culture of fairness, respect, due process, and equity.

As indicated later in this code, the College reserves the right, as permitted by the Family Educational Rights and Privacy Act (FERPA), to contact parents or family members of students who are involved in student conduct-related matters. However, the College believes that the primary responsibility for such disclosures to family and parents rests with the student, and student conduct-related processes often are initiated and completed without any outreach from the College to a parent or family member. We encourage students and families to maintain open dialogue about all issues pertaining to a student's standing at the College.

## **Article I: Definitions**

1. The term **“College”** means “New England College.”
2. The term **“student”** includes all persons taking courses at the College, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. The term **“student”** also includes all persons taking on-line classes that are offered through the College or that are delivered through a College-approved provider. Persons who withdraw after allegedly violating the Code of Student Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the College (e.g., students who withdraw from their current classes but who are registered for classes for the next semester) or who have been notified of their acceptance for admission are considered **“students,”** as are persons who are living in College residence halls even if they are not currently enrolled in this institution. Students who are suspended or expelled from the College, but who are still within their appeal timeline or who have submitted an appeal of their sanction, will be considered to have a continuing relationship with the College until their appeal timeline passes and/or any pending appeal process is concluded, including any possible re-hearing or reconsideration of their case. This Code of Student Conduct applies at all locations, including the College’s on-line programs.
3. The term **“faculty member”** means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
4. The term **“College official”** includes any person employed by the College, performing assigned administrative or professional responsibilities.
5. The term **“member of the College community”** includes any person who is a student, faculty member, College official, or any other person employed by the College or by a company who maintain offices on campus property (including bookstore, food service, and facilities staff). A person's status in a particular situation will be determined by the Office of Registrar and/or the Office of Human Resources.
6. The term **“College premises”** includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, including adjacent streets and sidewalks.
7. The term **“student organization”** means any group of at least five students, united by a common interest or purpose, who meet the requirements to be formally recognized by the Office of Student Engagement.
8. The term **“Conduct Board”** means any group of at least three people authorized to participate in a Conduct Board Hearing to determine whether a student has violated the

Code of Student Conduct and to identify sanctions that may be imposed when a policy violation has been committed. Conduct Board membership may include any NEC staff or faculty members who have been trained and appointed by the Director of Student Conduct and approved by the Dean of Students to membership on the Conduct Board. The Conduct Board will forward recommended sanctions to the Dean of Students or designee for their approval.

9. The term “**Sexual Misconduct Board**” means any group of at least three people, consisting of the Associate Dean of Students (or designee) and two faculty or staff members, authorized to determine whether a student has violated any policies related to sexual assault, sexual abuse, domestic violence, sexual harassment, or other forms of sexual misconduct. In cases where violations of policy are found to have occurred, the Sexual Misconduct Board will identify sanctions that may be imposed. The Sexual Misconduct Board will forward recommended sanctions to the Dean of Students or designee for their approval.
10. The term “**Student Conduct Officer**” means a College official designated by the Director of Student Conduct and approved by the Dean of Students (or designee) to resolve student conduct concerns.
11. The term “**Appeals Board**” means any two or more people selected by the Director of Student Conduct and authorized by the Dean of Students (or designee) to consider an appeal of a decision made by a Conduct Board or Sexual Misconduct Board in a Conduct Board Hearing or an administrator in a Dean’s Conference or Conduct Conference.
12. The term “**Conduct Conference**” refers to a meeting between one or more Student Conduct Officers (e.g., an Area Coordinator) and a student or students reported to have been in violation of College policy. Information at Conduct Conferences will be used to help the Officer(s) come to decisions regarding any possible policy violations and any appropriate sanctions. Sanctions from these conferences can include up to and including Residence Hall Relocation and/or Probation status.
13. The term “**Dean’s Conference**” refers to a meeting between the Dean of Students, Associate Dean of Students, or Director of Student Conduct (or designee) and a student or students reported to have been in violation of College policy. At their discretion, the DoS/Associate Dean/Director (or designee) may ask an additional Student Conduct Officer to take part in this process. Matters adjudicated in Dean’s Conferences typically will involve students who have been involved in repeated violations of College policy, who are on Probation, and/or whose reported behaviors were particularly serious in nature. Information at Dean’s Conferences will be used to help the Student Conduct Officer(s) come to decisions regarding any possible policy violations and any appropriate sanctions. Sanctions from these conferences can include up to and including expulsion from the College.



14. The term **“Conduct Board Hearing”** refers to any meeting in which the Conduct Board or Sexual Misconduct Board hears information regarding alleged policy violations and comes to decisions regarding these violations and any appropriate sanctions. Sanctions from Conduct Board Hearings can include any sanctions, up to and including expulsion from the College.
15. The term **“policy”** means a written regulation of the College as found in, but not limited to, the Student Handbook, the Code of Student Conduct, the College web page, the computer use policy, and/or Graduate/Undergraduate Catalogs.
16. The term **“Complainant”** means any NEC student, faculty, or staff member who submits a report alleging that they have been a victim of or witness to another person’s potential misconduct. A student who believes they have been a victim will have the same rights under the Code of Student Conduct as provided to the Respondent, even if another member of the College community submitted the complaint.
17. The term **“Respondent”** means any student who has allegedly violated the Code of Student Conduct.
18. The term **“Hearing Facilitator”** refers to the Director of Student Conduct or other staff member authorized by the Dean of Students (or designee) to facilitate a Conduct Board Hearing. The role of the Hearing Facilitator is to conduct hearings according to a pre-established format, to maintain appropriate decorum during the hearing, and to act as a resource person to all involved parties before, during, and after the hearing process.
19. The term **“Witnesses”** means individuals with direct or indirect knowledge of a given incident or case, chosen by the Respondent, Complainant, and/or Presenter and deemed appropriate by the Director of Student Conduct. Respondents and Complainants typically will be limited to three witnesses per hearing, unless the circumstances of an incident, in the judgment of the Director of Student Conduct, warrant the inclusion of additional witnesses. The role of a witness is to offer testimony, when solicited, related to specific incident(s) under consideration.
20. The term **“Presenter”** means a member of the Student Affairs Staff or Campus Safety Staff selected by the Hearing Facilitator to attend a hearing and present incident reports and other evidence pertinent to the case. There may not be a Presenter at all hearings. The Hearing Facilitator may read the basis of the policy violations themselves or choose someone who is a member of the College community to read the basis of the policy violations in cases where the Presenter is not necessary.
21. The term **“Respondent’s/Complainant’s Advisor”** means a person who is willing to provide advice and support to the Respondent or Complainant during the investigation and hearing process. In most cases, it is suggested that the Advisor be a current faculty member, staff member, or student who has been chosen by the Respondent or

Complainant. However, Complainants and Respondents are entitled to be accompanied by an advisor of their choice, which can include non-College community members, members of the bar, and family members.

Note: In all processes except Title IX Sexual Misconduct Hearings, advisors are limited to a supportive, non-participatory role in the investigation and hearing, and their advice is limited to written and oral communication with their advisee; advisors may not make presentations for, or arguments on behalf of, their advisee. Advisors who do not comply with the limitations of their role may be asked to leave the investigation or hearing process, and the process will continue without the advisor present. The name and email address of the advisor must be provided to the Hearing Facilitator at least one business day prior to the hearing in order to be approved.

**Please Note:** For information about the Sexual Misconduct Board and process, please see Section II of the Student Handbook: Title IX, Policies Regarding Sexual Harassment, Sexual Assault, Dating/Domestic Violence, and Stalking.

### **Article II: Authority**

The Dean of Students is designated by the College President to be responsible for the administration of the Code of Student Conduct. Final authority for the Student Conduct Process, including any applicable sanctions, resides with the President of NEC (or designee).

The Director of Student Conduct, with the approval of the Dean of Students (or designee), will determine the composition of Conduct Boards and Appeals Boards. The Director of Student Conduct will determine whether the case will be heard by the Conduct Board in a Conduct Board Hearing or a Student Conduct Officer in a Conduct Conference or Dean's Conference. Cases involving sexual misconduct, sexual violence, sexual assault, rape, domestic or dating violence, stalking, sexual harassment, and/or other similar violations will be addressed by the Sexual Misconduct Board.

The Director of Student Conduct with the approval of the Dean of Students will develop policies for the administration of the student conduct system and procedural rules for Conduct Board Hearings that are consistent with provisions of the Code of Student Conduct.

Outcomes of Conduct Board Hearings, Sexual Misconduct Board Hearings, Dean's Conferences, and Conduct Conferences are considered final, pending the normal appeal process. Please see Article IV of the Code of Student Conduct for information on the appeals process.

## **Article III: Policies**

### **Jurisdiction of Code of Student Conduct**

The Code of Student Conduct applies to conduct that occurs on College premises, at on-campus and off-campus College-sponsored activities, and to off-campus or on-line conduct that adversely affects the College community and/or the pursuit of its objectives. Please note, the College does not actively monitor social media but reserves the right to investigate specific reports of violations of the Code of Student Conduct that occur in the virtual environment.

Each student is responsible for their conduct from the time of application for admission through the actual awarding of a degree (or, in the case of a student who does not complete their degree, through the end of their last classes at the College), even though conduct may occur before classes begin or after classes end, as well as during the academic year, and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Code of Student Conduct applies to a student's conduct even if the student withdraws from school while a conduct matter is pending. Cases involving academic misconduct will, in most cases, be adjudicated by Academic Affairs or the Academic Standards Committee. However, Academic Affairs may, at its discretion, refer these cases for adjudication under the Code of Student Conduct to the Office of Student Conduct. The Dean of Students (or designee) will decide whether the Code of Student Conduct will be applied to conduct occurring off campus, on a case-by-case basis, in their sole discretion.

The policies and procedures in this Handbook are designed to promote fairness and will be adhered to as faithfully as possible. The Code of Student Conduct is not written with the specificity of a criminal statute, and it is not an exhaustive attempt to codify every possible type of problematic behavior.

### **Prohibited Conduct**

Students are required to engage in responsible conduct that reflects credit upon the College community and models good citizenship. Any student found to have committed, or to have attempted to commit, the following misconduct is subject to the sanctions outlined in Article IV:

1. **Abuse of the Student Conduct System:** Abuse of the Student Conduct System, including but not limited to:
  - a. Falsification, distortion, or misrepresentation of information before the Conduct Board or a Student Conduct Officer.
  - b. Disruption or interference with the orderly conduct of a Sexual Misconduct Hearing, Conduct Board proceeding, Dean's Conference, or Conduct Conference.
  - c. Falsely making a complaint about another student's behavior.
  - d. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.

- e. Attempting to influence the impartiality of a Student Conduct Officer or member of a Conduct Board prior to and/or during the course of a Code of Student Conduct proceeding.
  - f. Harassment (verbal or physical) and/or intimidation of a Student Conduct Officer or member of a Conduct Board prior to, during, and/or after a Code of Student Conduct proceeding.
  - g. Failure to comply with the sanction(s) imposed under the Code of Student Conduct.
  - h. Influencing or attempting to influence another person to commit an abuse of the Student Conduct system.
2. Aiding and Abetting: Inciting or helping another person to commit an act that violates College policy and/or the Code of Student Conduct.
3. Air-Conditioning Units: Air-conditioning units are not permitted in any student residential area, except in cases of approved medical accommodations or through special approval by Residential Life and Housing. College issued air-conditioners are permitted.
4. Alcohol: Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College regulations) or public intoxication. See Section III of this handbook, Alcohol and Other Drugs, for additional information about alcohol policies and resources.
- a. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age. This includes unauthorized use or possession of large quantities of alcohol on College property (e.g., beer kegs or other common source containers). Residential Life and Housing may intervene and make the necessary changes to a student's living situation when a student's alcohol or drug use negatively affects them or the residential community.
  - b. Alcoholic beverages may be possessed and/or consumed (but not sold) in student rooms by those students and their invited guests who are of legal drinking age (21 or older), as long as at least one resident of the room present at the time is 21 years of age or older.
  - c. Students who are 21 years of age or older can possess the following amounts of alcohol in a campus residence hall: twelve standard size (12 ounce) bottles of beer or malt beverage, OR one quart (32 ounces) of hard liquor, OR one half gallon (64 ounces) of wine.
  - d. Empty alcohol containers can be seen as evidence of past or current alcohol consumption and are prohibited from being possessed by students under the age of 21 without permission/approval for an exception.
  - e. Consumption of alcoholic beverages or the possession of open containers containing alcohol is prohibited in any public areas (e.g., hallways, lounges, outdoor areas, etc.) of any residence facility.

5. Appliances: Some small appliances are permitted in the residence halls, but the College reserves the right to deny a student use of any appliance if it is used in the wrong type of space (room vs. kitchen) or if the appliance is causing the building's electrical circuits to overload.
  - a. Authorized appliances must be UL approved and include: Televisions (should not be larger than 48 inches), compact personal microwaves (600 watt maximum), compact personal refrigerators (maximum 4.2 cubic ft. and 2.5 amps.), automatic drip coffee pots (with automatic shut off only), blenders, stereo speakers, hair dryers, fans, hot-air popcorn poppers, or irons with automatic shutoff. The following items may be used in kitchen spaces only: crock pots, electric grills/griddles, frying pans, rice cookers, and similar items.
  - b. Unauthorized personal appliances include but are not limited to: Air conditioners (unless issued by the College), air fryers, any device with an open heating element, dishwashers, drones, halogen lamps, hot plates (including those used for oil or candle warmers), hot pots, insta pots/pressure cookers, Keurig or other k-cup/single serve coffee makers, lava lamps, oil-based popcorn poppers, ovens, space heaters, washing machines.
  - c. Residential Life and Housing staff will confiscate illegal or misused appliances, and individuals responsible will be subject to conduct sanctions. All appliances must be UL listed. Residential Life and Housing staff and Facilities personnel may check for frayed or broken cords. During break periods, all appliances not provided by the College must be unplugged, including fish tanks. The College will not be held responsible for loss or condition of any items that are confiscated.
6. Arson: Intentionally or recklessly starting a fire, attempting to start a fire, or burning/charring/singeing any College property or personal property.
7. Assault: Physical attack/abuse; causing physical harm to another.
8. Bicycles: Bicycles may be stored in student rooms only. Bicycles are not to be stored in the basements, lounges, or lobbies of residential areas, hallways, stairwells, balconies, laundry rooms, or near exits. Bicycles locked to stairwells or inside other College property may be removed and discarded.
9. Building/Hall Sports: Playing basketball, wrestling, hockey, lacrosse, baseball, rollerblading, Frisbee, or other sports in residence halls and unauthorized locations within other College buildings. Any damage to property from sports in the halls will result in restitution charges being assessed to the responsible person's NEC account or will be handled through the community damage process.
10. Ceiling Hangings: Due to the potential threat to personal safety in the event of fire, room decorations including, but not limited to, tapestries, string lights, posters, etc., may not be affixed to cover/suspended from the ceiling, windows and doors, sprinkler

heads and/or pipes. This includes all items that are suspended overhead or attached to walls or other items.

11. Cleanliness/Health/Safety: Students must maintain clean and tidy rooms/suites/apartments at all times. Living spaces must not be susceptible to insect and pest infestations or offensive odors. Food must be stored and disposed of properly and in a timely fashion. Residents are responsible for the removal of all garbage and trash from their rooms/suites/apartments.
  - a. Excessive trash in a residential area may result in a health and safety violation and, if not corrected, could result in a referral to the Office of Student Conduct.
  - b. Trash must be brought outside to the nearest dumpster, not thrown in the kitchen or bathroom trash can. Personal garbage cans in a student's room may not exceed 13-gallons (kitchen garbage can size) to ensure that garbage is removed in a timely fashion.
  - c. Dirty dishes (including, but not limited to dishware, flatware, cookware, bakeware, utensils, appliances, etc.) must be cleaned and removed from the community kitchen/common area immediately after use. Any dirty dish(es) left in the community kitchen/common area will be discarded without notice.
  - d. Residence halls where students do not keep kitchens and refrigerators cleaned may have access to the kitchen suspended. The College is not responsible for the replacement or reimbursement of discarded, stolen, or damaged property that is left in a kitchen or refrigerator.
  
12. College Policies: Violation of any other College policy, rule, or regulation published or posted in hard copy, available electronically on the College website, or distributed via New England College email.
  
13. Complicity: Being present during the planning or commission of any violation of the Code of Student Conduct in such a way as to condone, support, or encourage that violation. Students who anticipate or observe a violation of the Code of Student Conduct are expected to remove themselves from association or participation and are encouraged to report the violation.
  
14. Computer Use/Misuse: Theft or other abuse of computer facilities and resources, including but not limited to:
  - a. Unauthorized entry into a file to use, read, or change the contents or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Use of another individual's identification and/or password.
  - d. Use of computing facilities and/or resources to interfere with the work of another student, faculty/staff member, or College official.
  - e. Use of computing facilities and resources to send obscene or abusive messages.
  - f. Use of computing facilities and resources to interfere with normal operation of the College computing system.

- g. Use of computing facilities and resources in violation of copyright laws.
15. Controlled Substances/Drugs: The use (including but not limited to consumption, injection, smoking/inhalation, etc.), manufacture, possession, or distribution of illegal drugs or significantly mind-altering substances, pharmaceutical and otherwise (including salvia divinorium, medical marijuana, and synthetic forms of banned substances; including but not limited to K2, Spice, Black Magic, etc.), inappropriate/illegal use or distribution of any pharmaceutical product, use or possession of any prescription medication that is not prescribed to that student, or possession of drug paraphernalia including, but not limited to, bongos, pipes, electronic scales, and rolling papers. See Section III of this handbook, Alcohol and Other Drugs, for additional information about drug policies and resources.
  16. Cyberbullying: The use of electronic information and communication devices to willfully and/or repeatedly harm a person (or persons) through the medium of electronic text, photos, or videos. See section IV of this handbook, Other College Policies, for the full Cyberbullying policy.
  17. Damage to Property: Engaging or participating in acts of destroying, damaging, or defacing property of the College, members of the College community, or any others.
  18. Disorderly Conduct: Engaging in acts that breach or threaten to disrupt the peace, are unruly, inappropriate, and/or destructive, or are lewd, indecent, and/or obscene.
  19. Disruption of College Activities: Interrupting, disturbing, or obstructing teaching, research, administration, student conduct proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.
  20. Dissent/Demonstration: Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area. See Section IV of this handbook, Other College Policies, for the full Dissent/Demonstration policies.
  21. Electric/Battery Powered Personal Transport Devices: Due to safety concerns following a number of reported e-bike and hover board fires, New England College prohibits the use, possession, or storage of transport devices containing lithium-ion batteries (e.g., e-bikes, hover boards, scooters, etc.) on campus.
  22. Electronic Devices: Any unauthorized use of electronic or other devices to make, share, or distribute an audio, video, or pictorial record of any person without their prior

knowledge, without their consent, and/or when such recording, sharing, or distribution would be expected to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom, or any other area where a person would expect to have a reasonable assumption of privacy.

23. Endangering/Threatening Behavior: Threats, coercion, and/or other conduct which threatens or endangers the health or safety of any person or group of people; behavior which causes a reasonable individual to become fearful for their personal safety; intimidating, demeaning, or injuring an individual physically, mentally, or emotionally.
24. Extension Cords and Surge Protectors: Only UL-approved, surge-protected power strips and extension cords are permitted. Students are not permitted to plug one extension cord into another extension cord or one power strip into another power strip.
25. Failure to Comply: Failing to comply with College Officials (including Resident Advisors), College contracted staff, or Campus Safety or law enforcement officers acting in performance of their duties. Failing to comply with College directives, protocols, or procedures.
26. False Representation: Acts of dishonesty, including but not limited to the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty.
  - b. Knowingly furnishing false information to any College official, faculty member, or office.
  - c. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
  - d. Use of a deliberate, untrue, and derogatory statement to harm another person's (or persons') reputation.
27. Federal, State, or Local Laws: Violation of any federal, state, or local law or any town ordinance.
28. Fire Evacuation: Students failing to evacuate promptly or found to be reentering the building during an alarm will be subject to a \$100.00 fine and probationary disciplinary status. A second offense may lead to an interim suspension from the residence halls. Failure to evacuate a building during an alarm is a violation of New Hampshire State Law and may result in civil action.
29. Fire Safety Equipment: Intentionally misusing, tampering with, or damaging fire safety equipment or intentionally initiating or participating in any false report, warning, or threat of fire or other emergency. This includes but is not limited to covering smoke detectors, tampering with fire extinguishers, activating a false alarm, or attaching any



items to the sprinkler pipes. Students found responsible for Fire Safety Equipment violations are subject to an automatic \$500 fine.

30. *Flammable Materials:* Flammable liquids are not permitted in any of the residential areas. Cloth and other flammable materials may not be hung on walls or ceilings. Flammable or wet materials may not be hung above heaters due to fire hazard. Storing or possessing gasoline, including gasoline-powered machines, or other combustibles or explosive chemicals, lighter fluid, fireworks, candles, incense, oil lamps, oil/candle warmers or other flammables is not allowed in any residential area. Producing an open flame in or around the residence halls is not permitted. Grills that are used for outdoor grilling are not allowed in, near, or around the residence halls due to fire codes in Henniker. Unauthorized grills will be confiscated and discarded.
31. *Furniture:* Furniture provided by the College must remain intact, assembled, and in its assigned room.
  - a. The College will not store any furniture that a student does not want or is not using.
  - b. Students are not permitted to bring additional furniture to their rooms.
  - c. For safety reasons, lofts not provided by the College and waterbeds are not permitted. Some beds are “bunkable” with provided lofting pins that residents must request from Campus Facilities.
  - d. All furniture must be set up in such a way that all exits are free from obstruction.
  - e. Common areas are furnished for the comfort and convenience of all. Furnishings in lounges or other common areas are not permitted in students’ rooms; they are College property and must remain in their designated common areas. Misuse of common area furniture, including but not limited to stacking the furniture, moving it to stairwells, or blocking hallways or doors is prohibited.
32. *Gambling:* Betting, wagering, and/or engaging in games of chance for money or other items of value on College property.
33. *Guests and Visitors:* Violating the Guests and Visitors policy in the residence halls and/or other campus property. See Section V of this handbook, Residential Life and Housing Information and Policies, for the full Guests and Visitors policy.
34. *Harassment:* Repeated, pervasive, and/or ongoing after being asked to stop, unwanted behavior directed at a person(s) that places that person(s) in reasonable fear for their safety and/or interferes with their ability to work, learn, live, participate in, or benefit from the activities, educational opportunities, and/or services provided by the College.
35. *Hate Motivated/Bias Incidents:* Hate crimes or bias incidents involving actions taken against another because of bias against their race, color, sex, age, religion, sexual orientation, gender identity and expression, native language, social/organizational affiliation, ethnic origin, or disability.

36. Hazing: Any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person and when such act is a condition of initiation into, admission into, continued membership in, or association with any organization. The express or implied consent of the victim is not a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule. See Section IV of this handbook, Other College Policies, for the full Hazing policy.
37. Holiday Decorations: Residents may decorate their rooms during holiday periods, provided such decorations do not restrict access to and from residents' rooms and public areas. Do not attach anything to or tamper with light fixtures, sprinkler heads or exit signs. No live or cut trees are allowed in the residential areas; however, artificial trees may be used. Candles and incense are not permitted in the residence halls for any reason. No holiday decorations can be hung from ceilings at any time.
38. Loitering/Sleeping: Sleeping and/or loitering for an extended period of time in an undesignated area on campus (e.g., sleeping overnight in a non-residential building or common area of a residence hall).
39. Obstruction of Traffic: Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
40. Occupancy Restrictions: Due to safety and fire-code regulations there is a limit to the number of visitors/guests allowed in the living units on campus. A resident is allowed no more than a total of two guests or visitors at any one time; however, the total number of people in a room at any given time may be restricted further based on the existing local, state, and federal fire regulations.
41. Off-Campus/Community Disturbance: Any student at an off-campus apartment, house, or other dwelling where there have been repeated complaints or complaints of a serious nature about disruptive behavior may be subject to sanctions under the Code of Student Conduct.
42. Offensive Odors: Any odor or aroma of such intensity that it becomes bothersome to other members of the community. Any odor can become offensive when it is too strong. Some examples are perfume, air-freshening spray, large amounts of dirty laundry, athletic equipment/clothing/shoes, pet and pet waste odors, or human body odor. Residents identified as being responsible for any disruptive odor will be asked to eliminate the cause of the odor. Students who fail to eliminate an offensive odor after repeated requests to do so may be referred to the Office of Student Conduct. Incense and/or candles are not permitted to cover up an offensive odor as they are a fire hazard and can easily set off the smoke detectors.

43. Pets: Fish in an approved aquarium are the only pets allowed in residential rooms/suites/apartments.
- a. Each student is permitted to have only one 5 gallon tank maximum. Fish must be properly maintained and cared for so as not to disrupt the residential community. Aquariums and other equipment needed to maintain fish may not be plugged into electrical outlets during vacation periods.
  - b. Animals other than fish and animal or pet care items not associated with an approved aquarium are not permitted, including but not limited to animal food, cages, and bedding.
  - c. Violation of the policy will result in immediate removal of the animal, misconduct charges, and full replacement cost for damaged property.
  - d. Animals approved by the Office of Disability Services (ODS) as part of an approved disability accommodation are subject to the policies, procedures, and behavioral expectations as outlined by the ODS and are not permitted on campus/in the residence halls until the specific pet is formally approved by ODS.
44. Postings: Contact Residential Life and Housing if you would like to post material in the residential areas. For other campus areas, post only in approved designated locations.
- a. With the exception of the RAs, no postings will be permitted without the approval of the Area Coordinator of that residential area. Postings that have been approved will be posted in designated areas only.
  - b. Each posting is allowed for one week. All unapproved postings will be removed. It is the responsibility of the individuals posting to use approved adhesives that will not damage the area where the postings are held.
45. Pranks: Mischievous or malicious tricks or acts that cause or have the potential to cause damage, distress, and/or harm.
46. Quiet/Courtesy Hours: Residents and staff are responsible for maintaining an atmosphere that is conducive to study and sleep. Therefore:
- a. Courtesy hours are in effect 24 hours a day. Residents are expected to observe common courtesy and to respond positively to requests to reduce or minimize the noise they are making. As a general rule, musical instruments should not be played in rooms/suites/apartments. Stereos, speakers, and other music devices are not permitted to be amplified out windows to outside areas unless it has been approved as part of a registered event.
  - b. Quiet hours are as follows: Sunday-Thursday 10:00 PM-8:00 AM; Friday-Saturday 12:00 AM-8:00 AM.
  - c. All areas must adhere to 24-hour quiet policies beginning at 9 PM on the last day of classes and continuing through the semester close of the residence halls. Students violating 24-hour quiet hours or causing any disruption may be directed to leave the

residence hall immediately and not be permitted to return until the end of final examinations.

47. Retaliation: Retaliation exists when action is taken or made, personally or through a third party, against an individual because the individual has made a report or filed a formal complaint, testified, assisted, or participated or refused to participate in any manner in the complaint process. Retaliation includes threatening, intimidating, coercing, discriminating, harassing, or any other conduct that would discourage a person from reporting or participating in any aspect of the Student Conduct process.
48. Roofs: Any person on the roof of any residential facility or other College building or throwing anything onto the roof of any residential facility or other College building will be subject to disciplinary action. The roofs, window ledges, and balconies of all buildings are off limits to students unless prior approval is granted by Residential Life and Housing staff.
49. Room Alterations: Residents will not make any changes or alterations to an apartment or room, disassemble or dismantle any piece of equipment or furniture, or place, affix, or attach any articles to the floor, walls, ceilings, furniture, or fixtures without the written consent of the College. This includes, but is not limited to, the addition or changing of any locks, removal of window screens, the alteration of the heating or light fixtures, painting of any surface including windowpanes, installation of any television or satellite dish, or drilling holes into a wall, and all other changes, repairs, and additions. Sticky tape that leaves marks or removes paint from a wall will result in a charge for the costs of repair. Students are not permitted to disassemble any College furniture or build additions onto any College furniture.
50. Sex-based harassment: A form of sex discrimination which means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that is:
  - a. Quid Pro Quo Harassment: An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
  - b. Hostile Environment Harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant’s ability to access the recipient’s education program or activity;
  - The type, frequency, and duration of the conduct;
  - The parties’ ages, roles within the recipient’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - The location of the conduct and the context in which the conduct occurred; and
  - Other sex-based harassment in the recipient’s education program or activity;
- c. Sexual assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation committed by a New England College student on College property, at College sponsored activities, or off campus;
- d. Dating violence: Violence committed by a person:
- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    1. The length of the relationship;
    2. The type of relationship; and
    3. The frequency of interaction between the persons involved in the relationship;
- e. Domestic violence: Felony or misdemeanor crimes committed by a person who:
- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
  - Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - Shares a child in common with the victim; or
  - Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction;
- f. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

51. Smoking: The residence halls and all buildings at NEC are smoke free at all times. Smoking, including the use of e-cigarettes and vaping, is not permitted in any building. Due to health and safety concerns, campus community members must stay at least 25 feet from the entrance to any building when smoking nicotine/tobacco products. Smoking marijuana/other controlled substances is prohibited. Proper disposal of

cigarette butts and other trash associated with smoking is required. Vapes and tobacco products in the possession of students under age 21 will be confiscated/disposed of. See Section IV of this handbook, Other Campus Policies, for the full Smoking policy.

52. Solicitation: Residence halls and the campus in general are for the use of registered students, College guests, and College conference attendees only. Any other use, including commercial enterprises, activities not approved by Residential Life and Housing, and door to door solicitations are strictly prohibited.
- a. Students selling items door to door or asking for donations door to door without prior approval are subject to referral to the Office of Student Conduct.
  - b. Any person wishing to sell merchandise or canvass for information in any of the non-residential New England College buildings must obtain permission and a permit from the Office of Events approximately three weeks in advance of the proposed date. Anyone sponsoring programs on campus must clear time and location on the activities calendar in the Office of Events.
53. Theft: Engaging in acts of theft or possessing without authorization goods belonging to other members of the community.
54. Trespass: Prohibited entry or presence on College property or in College-owned facilities.
55. Unauthorized Use/Possession of Keys/Codes/ID Cards: Unauthorized possession, duplication, or use of keys or combination locks to any College premises or unauthorized entry to or use of College premises (including entry into any office or residence hall room without permission) or lending/giving a student identification card, key, or lock combination to another student or a non-student.
56. Vehicles: Parking in a way that constitutes a hazard or an inconvenience to pedestrians or the operators of other vehicles; blocking sidewalks, driveways, or building access; parking on or driving across grounds or athletic fields; driving recklessly; creating excessive noise with a vehicle.

Visitors: See the “Guests and Visitors” policy earlier in the Code of Student Conduct and review Section V of this handbook, Residential Life and Housing Information and Policies, for the full Guests and Visitation policies.

57. Weapons: Illegal or unauthorized possession of firearms, CO2 cartridges, electronic control device/taser, explosives or incendiary chemicals (including fireworks, sparklers, etc.), other weapons (see “Weapons Policy” for a more detailed list) or dangerous chemicals on College premises, or use of any such item even if legally possessed, in a manner that harms, threatens, or causes fear to others. In the residence halls, potential lethal weapons, or toys/replicas that appear to be lethal weapons, including but not

limited to firearms, hunting bows, knives, swords, paintball guns, weapons paraphernalia, bullets, pellet guns, and air-soft guns are prohibited, along with any other instruments legally classified as dangerous weapons. Anyone possessing any of these items may be suspended from housing pending a Conduct Board Hearing, and the weapons will be confiscated and not returned. See Section IV of this handbook, Other Campus Policies, for the full Weapons policy.

58. Windows: Throwing items out a window presents a safety hazard to those below and will not be tolerated. Using windows in a non-emergency situation to enter or exit an area presents a safety risk and may result in damage to the window and/or screen, and thus, is prohibited. Individuals found entering or leaving a room/apartment through a window will be subject to referral to the Office of Student Conduct and responsible for the cost of any damage that results from this action. Damaged or punctured screens or broken glass will result in residential damage charges assessed to a student's account.

### **Violation of Law and the Code of Student Conduct**

Student conduct proceedings may be initiated against a student charged with behavior that potentially violates both the criminal law and the Code of Student Conduct without regard to the timeline of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the Code of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students (or designee). In most cases, it is preferable for the College to proceed immediately with student conduct proceedings. While the existence of a court-issued order of protection may be presented during a campus conduct process, these documents are not considered a determination of guilt issued by the court system. Determinations made or sanctions imposed under the Code of Student Conduct will not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense also is being processed under the Code of Student Conduct, the College may advise off-campus authorities of the existence of the Code of Student Conduct and of how such matters typically are handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators, provided that the conditions do not conflict with campus rules or sanctions. Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

It should be noted that felonies and other acts of an equally serious nature, whether committed on or off campus, are deemed inconsistent with the College's standards and educational goals; they reflect in a negative manner upon the College. Therefore, students who have been

charged with such acts may be subject to immediate interim measures and/or referral to the student conduct process.

#### **Article IV: Conduct Processes, Student Rights, and Interim Measures**

##### **Student Conduct Process**

1. The student conduct process begins with a complaint from a member of the NEC community or a report from a College department or NEC employee. Any student, faculty, or staff member is expected to complete and submit an incident report if they are a victim of or a witness to a violation. This report provides information pertinent to the allegation. The individual filing the incident report may be asked to appear at any subsequent Conduct Conference or Conduct Board Hearing related to the matter. Incident reports may be filed with any member of the Campus Safety staff or the Director of Student Conduct and should be submitted as soon as possible after the event takes place. Individuals who are not members of the campus community may share concerns or information they may have with Campus Safety.
2. The College may conduct an investigation if additional information is needed. If the reported issue is between two College community members, it may be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Dean of Students and/or Director of Student Conduct (or designee). If, in the opinion of the parties involved or in the opinion of the Dean of Students and/or Director of Student Conduct (or designee), the violations cannot be settled without a student conduct process, the matter will be referred for a Conduct Conference, Dean's Conference, or Conduct Board Hearing.
3. All conduct-related incident reports will be forwarded to the appropriate Student Conduct Officer or Conduct Board.
  - a. If the violation is committed by an NEC student, the complaint will be forwarded to the Director of Student Conduct, who will assign the case to the appropriate Student Conduct Officer or Conduct Board.
  - b. In cases where it can be reasonably foreseen that the student may be suspended or expelled from the College, the case will be heard by a Conduct Board Hearing with the Conduct Board or a Dean's Conference with the Dean of Students or Director of Student Conduct.
  - c. If the violation is committed by a student or students acting on behalf of a student organization, the complaint will be shared with the Director of Student Engagement.
  - d. If the violation is committed by an NEC faculty or staff member, the complaint will be forwarded to the Office of Human Resources for resolution.
  - e. Incident reports not related to alleged policy violations will be kept on file for informational purposes.



4. A student accused of violating the Code of Student Conduct (except for Title IX/Sexual Misconduct, which is described in Section III of this handbook) will be notified of alleged policy violations and the date, time, and location of the Conduct Conference, Dean's Conference, or Conduct Board Hearing via the New England College email system. New England College uses NEC e-mail as a means for official communication with students. The College expects that students check their NEC email at least once per business day while enrolled. The Conduct Conference, Dean's Conference, or Conduct Board Hearing will be scheduled on a date no less than 48 hours and no more than 15 days after the notification letter is sent. Maximum time limits for scheduling of Student Conduct Hearings may be extended at the discretion of the Dean of Students and/or Director of Student Conduct.

### **Dean's Conferences and Conduct Conferences**

1. A Dean's Conference is a meeting to discuss alleged violations of the Code of Student Conduct with the Dean of Students, Director of Student Conduct, or their designee. A Conduct Conference is a meeting to discuss alleged violations of the Code of Student Conduct with a Student Conduct Officer such as an Area Coordinator or the Assistant Director of Residential Life and Housing.
2. Students are presumed not responsible until found responsible for a violation of the Code of Student Conduct.
3. The Student Conduct Officer will review the report, determine charges of policy violations, notify the student(s) of the charge(s), and schedule the conference. If the student fails to appear at the scheduled time, the process will move forward in their absence; a decision and sanction(s), if applicable, will be rendered.
4. In most instances, conference notification letters will be sent via the student's College email account. Failure to follow the instructions in one's notification letter will compel the Hearing officer to make a decision without benefit of the student's input.
5. The purpose of a Dean's Conference or Conduct Conference is to provide a fair evaluation of an accused student's responsibility for violating College policies. Responsibility for a violation of College policy is made on the basis of whether it is more likely than not that the student violated the Code of Student Conduct.

### **Conduct Board Hearings**

#### **Conduct Board Hearing Format**

All Conduct Board Hearings will be conducted with the following format. Deviations from this format will be allowed with the consent of the Respondent(s), Complainant(s), and Hearing Facilitator.

1. Introduction to hearing

- a. Introduction of Hearing Facilitator
  - b. Purpose of the Hearing
  - c. Description of Hearing format
2. Introduction of the Conduct Board members
  - a. Respondent and/or Complainant are asked if any conflicts of interest exist with any Conduct Board members.
3. Introduction of participants
  - a. Respondent and Advisor (if applicable)
  - b. Complainant and Advisor (if applicable)
  - c. Presenter
  - d. List of Witnesses and Impacted Individuals
4. Reading of alleged policy violations and responses by the Respondent
  - a. The Hearing Facilitator reads the policy violation allegations and asks the Respondent for a response of “Responsible” or “Not Responsible” to each violation.
5. Review of incident report by the Presenter
  - a. Presenter reviews incident report and other information that makes up the basis for the policy violation.
  - b. Respondent(s) and Complainant(s) may ask clarifying questions
  - c. Conduct Board members may ask clarifying questions
6. Presentation by Respondent(s) and Complainant(s)
  - a. Respondent(s) and Complainant(s) can respond to previously entered information and make a statement, as desired. If the Respondent(s) states that they are “Responsible,” the Respondent(s) should explain why they are taking responsibility.
  - b. Respondent(s) and Complainant(s) may ask clarifying questions
  - c. Presenter may ask clarifying questions
  - d. Conduct Board members may ask clarifying questions
7. Presentation by Witnesses
  - a. Witnesses will be asked to give a statement about information they have pertaining to the alleged policy violations
  - b. Respondent(s) and Complainant(s) may ask questions
  - c. Presenter may ask questions
  - d. Conduct Board members may ask questions
8. Presentation by Impacted Individuals
  - a. Impacted Individuals will be asked to give a statement about information they have pertaining to the alleged policy violations

- b. Respondent(s) and Complainant(s) may ask questions
  - c. Presenter may ask questions
  - d. Conduct Board members may ask questions
9. Optional Break
- a. Hearing Facilitator has the ability to pause the Hearing
10. Questioning of all hearing participants by Conduct Board members
11. Final remarks and follow-up questions
- a. Follow-up questions by Presenter
  - b. Final remarks by Respondent(s) and Complainant(s)
  - c. Final follow-up questions by Conduct Board members

Conduct Board Hearing Guidelines

Conduct Board Hearings will be conducted according to the following guidelines:

1. Hearings normally are conducted in private, with any persons not part of the process allowed in at the discretion of the Hearing Facilitator. Hearings will be held either in person or via Zoom/Teams, at the discretion of the Hearing Facilitator.
2. The Complainant, Respondent, and their advisors, if any, will be allowed to attend the entire portion of the Hearing at which information is received, excluding Conduct Board deliberations. Admission of any other person to the Hearing will be at the discretion of the Hearing Facilitator.
3. In Hearings involving more than one Respondent, the Hearing Facilitator, in their discretion, may permit the Hearings concerning each student to be conducted either separately or jointly.
4. The Complainant and the Respondent have the right to be assisted by a Respondent's/ Complainant's Advisor (as defined in Article I of this section of the handbook), at their own expense.
  - a. The Complainant and/or the Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to speak or to participate directly in any Hearing.
  - b. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Hearing because delays will not normally be allowed due to scheduling conflicts of an advisor.
5. The Complainant, the Respondent, and the Hearing Facilitator or designee may arrange for witnesses to present pertinent information to the Conduct Board.
  - a. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are

identified by the Complainant and/or Respondent at least 24 hours prior to the Hearing.

- b. Respondents and Complainants must notify the Office of Student Conduct via email no less than 24 hours prior to their hearing of the names of witnesses they intend to bring to the hearing. Failure to notify the office within the time frame may result in the witness(es) not being admitted unless approved by the Dean of Students (or designee).
  - c. Respondents and Complainants typically will be limited to three witnesses per hearing unless the circumstances of an incident, in the judgment of the Hearing Facilitator, warrant the inclusion of additional witnesses.
  - d. Witnesses will provide information to, and answer questions from, the Conduct Board and may, in some cases, also be asked questions by the Respondent. In the event that direct questioning between parties may become adversarial, intimidating, or may cause either party emotional distress, questions may be submitted to the Hearing Facilitator, and they will ask the questions of the witness. Should a witness fail to attend a Hearing, the proceedings will continue in their absence.
  - e. Questions of whether potential information will be received will be resolved at the discretion of the Hearing Facilitator.
6. Pertinent records, exhibits, and written statements (including Incident Reports) may be accepted as information for consideration by the Conduct Board at the discretion of the Hearing Facilitator.
7. When appropriate, the Hearing Facilitator will invite to a Hearing any person(s) who can share and discuss the impact of a reported incident (or incidents) on themselves or their community. At this time, restorative sanctions or community reparations may be discussed. Respondent(s), Complainant(s), and Conduct Board members will be allowed to ask questions. The Respondent will be given an opportunity to reply to this discussion prior to the next section of the hearing.
8. All procedural questions are subject to the final decision of the Hearing Facilitator.
9. After the portion of the Hearing concludes in which all pertinent information has been received, the Conduct Board deliberations will begin.
  - a. The Conduct Board will determine by majority vote whether the Respondent has violated each section of the Code of Student Conduct that the student is charged with violating.
  - b. The Conduct Board's determination of Responsible or Not Responsible will be made on the basis of whether it is more likely than not that the Respondent violated the Code of Student Conduct. The standard of proof for all College Student Conduct Hearings is preponderance of evidence ("more likely than not").

- c. If a student is found responsible for a policy violation(s), the Conduct Board will forward recommended sanctions to the Dean of Students or designee for their approval.
10. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct proceedings.
11. A single verbatim record, such as a tape recording, will be made of all Hearings. Deliberations will not be recorded. The record is the property of the College and will be erased or otherwise destroyed after any potential appeals process has ended.
12. If a Respondent, after sufficient notice, does not appear at their Hearing, the information pertaining to the policy violation allegations may be presented and considered in the Respondent's absence. In some cases, Respondents may choose to attend their hearing but, either by personal choice or at the advice of counsel, not make any statements. A Respondent's absence or decision not to fully participate in the hearing process will not be seen in a negative sense.

The Conduct Board may accommodate concerns for the personal safety, wellbeing, and/or fears of confrontation of the Complainant, Respondent, and/or other witness during the Hearing by providing separate facilities, by using technology, by permitting participation by telephone, video conferencing, written statement, or other means where and as determined in the sole judgment of the Hearing Facilitator.

**Please Note:** For information about the Sexual Misconduct Board and process, please see Section IV of the Student Handbook: Title IX, Policies Regarding Sexual Harassment, Sexual Assault, Dating/Domestic Violence, and Stalking.

### **Student Rights**

Rights of students charged with Code of Student Conduct violations that are resolved through Conduct Conferences, Dean's Conferences, and Conduct Board Hearings:

1. The presumption of innocence until found responsible for any policy violation(s).
2. The right to have their case processed without prejudicial delay.
3. Notice of the violations at least 48 hours before the scheduled hearing. Normally such notice will be written, although unusual circumstances may require temporary verbal notification. E-mail communication to a student's New England College e-mail account is considered written communication for the purposes of this process.
4. Written notice of the time, place, and date of the hearing, in advance. E-mail communication to a student's New England College e-mail account is considered written communication for the purposes of this process.

5. Opportunity to review any incident reports, written statements, or other applicable materials prior to their hearing process. This review, if requested, will take place in the Office of Student Conduct. Students who are restricted from campus prior to their hearing may ask for permission to come to campus to review these records or may ask to have them reviewed on the phone prior to the hearing process.

Note: Students are advised to make requests to review hearing-related materials several days in advance so that there is sufficient time to schedule a meeting to review relevant materials.

6. The right to be assisted during the hearing process by an advisor in accordance with the guidelines listed in the “Respondent’s/Complainant’s Advisor” definition in Article I of this section of the handbook.
7. The right to respond to any information presented at their hearing, to produce witnesses on their behalf, and to present evidence.
8. In most cases, the right to question any witnesses appearing at the hearing. When a witness is unable to appear or, in the opinion of the Dean of Students or designee, when such appearance would endanger or cause unnecessary psychological stress to the witness, the Presenter may share information on behalf of the witness without the witness present. In extreme cases of potential threat to or abuse of the witness, the name of the witness also may be excluded from testimony.
9. Written notice of the hearing decision and sanctions, if applicable.
10. The right to appeal, as described in Article IV of this section of the handbook.

### **Interim Measures**

Interim measures may be immediately imposed prior to activation of the student conduct process if based on information available at the time it is determined that the student may be a danger to the safety or wellbeing of themselves or other members of the College community or disruptive to the College’s educational processes. Whether interim measures are imposed is determined by the Dean of Students or designee in consultation with appropriate members of the College community. If the student is concerned about the appropriateness of the interim measures, they may contact the Dean of Students (or designee) the next business day in order to provide additional information to be taken into consideration and ask to have the measures modified. Interim measures may be in effect until a Conduct Board Hearing or Dean’s Conference for the alleged policy violation occurs and a final outcome is rendered. Alleged policy violations that may result in interim measures include but are not limited to:

- Arson or attempted arson
- Domestic/dating violence
- Drugs-Sale or evidence of intent to sell
- Harassment

- Instigating a riot or other highly disruptive behaviors
- Physical assault or attempted physical assault
- Sexual harassment and assault
- Stalking
- Tampering with Fire Safety Equipment
- Threat or Danger to Self
- Threat or Danger to Others

Interim measures may include but are not limited to:

- If student is living on campus, relocation to another residential facility or removal from on-campus housing,
- Restriction from specified campus buildings, classes, areas on campus, or the entire campus property,
- No contact with specified persons, and/or
- Required assessment with a mental health practitioner (counselor, etc.) when issues of danger are involved.

In cases involving an alleged violation of the sexual harassment/assault policy, the Behavioral Intervention Team or others designated by the Dean of Students will assess danger to self or others prior to an interim removal from college property. Failure to attend a threat assessment, if requested, may result in a failure to comply policy violation and an interim measure being enacted.

### **End of Semester Conduct Timeline**

During the final week of any academic semester, the student conduct process may be expedited in order to adjudicate violations prior to the departure of students. Students may select for the typical timeframe to be suspended so that Student Conduct Officers may hold Conduct Conferences or Dean's Conferences with students for policy violations soon after the incident or the next working day. The student will be notified verbally of the charge(s) against them and receive electronic or written notification of charges at or soon after the time of the hearing.

Students may be contacted during the summer or periods when the College is not in academic session to resolve incidents occurring near the end of the semester. Failure to respond to a hearing notification letter, e-mail correspondence, and/or telephone call will not absolve the student of responsibility; the Student Conduct Officer will make a decision without benefit of the student's input.

## **Article V: Sanctions and Appeals**

### **Sanctions**

When identifying an appropriate sanction, the Student Conduct Officer or Conduct Board will select the sanction that best reflects the seriousness of a given student's violation and may choose any appropriate Student Status Sanction (e.g., probation, suspension) without a student having previously been placed on a lower sanction (e.g., Conduct Warning). A student's conduct history, including active sanctions, past sanctions, and previous incident reports, will be reviewed and taken into account prior to issuing sanctions for a current matter. In the student conduct process, prior conduct history does not play a role in the determination of a student's responsibility for a policy violation. In a Conduct Board Hearing, prior conduct history will not be discussed until the sanctioning phase, unless the student agrees to have their conduct history considered at an earlier point in the process.

Any combination of the sanctions listed below may be imposed for any single violation.

Any sanction may be "deferred" upon issuance, meaning that the sanction will remain in place without going into effect as long as the student completes certain conditions and/or remains free of any additional violations for a specified period of time.

The following sanctions may be imposed upon any student found to have violated the Code of Student Conduct:

#### ***Student Status Sanctions:***

- **Conduct Warning** - Notification that the student has engaged in behavior that violates the Code of Student Conduct. The student must ensure that they have no further violations of policy, or they will face additional disciplinary action.
- **Probation** - Indicates that a student's status as a New England College student is in jeopardy. Any further violation of policy while on probation could result in suspension from the College.
- **Deferred Suspension** - Indicates that a student's status is in severe jeopardy if they violate a particular policy. Deferred suspension may be used late in the semester if a student is allowed to finish their courses but be separated from the college for a specified period of time after the completion of the courses.
- **Suspension** - Separation from the College for a specified period of time. Students may be required to complete certain requirements (e.g., completion of off-campus treatment program) before being allowed back from a suspension.
- **Expulsion** - Permanent separation of the student from the College.

#### ***Residence Hall Sanctions:***

- **Residence Hall Restriction** – Student will not be permitted to enter designated residential areas for a specified period of time.
- **Residence Hall Relocation** - Reassignment of a student from their current residence hall/house room to another residence hall/house room. This reassignment may be



short or long-term and may include restrictions from entering their former room and/or living area and restrictions of guest privileges.

- Residence Hall Suspension - Separation of the student from the residence halls for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified. The student is restricted from the residence halls during the period of suspension. No refunds of housing costs will be issued for the remainder of the contract period.
- Residence Hall Expulsion - Permanent separation and restriction of the student from the residence halls. No refunds of housing costs will be issued.

**Action Sanctions:**

- Loss of Privileges - Denial of indicated privileges for a specified period of time.
- Student Conduct Fines - A student found responsible for certain policy violations (e.g., alcohol, candles, drugs) will be charged a fine (e.g., \$100.00) directly to their student account.
- Smoke Detector Fine - A student found responsible for covering/tampering with a smoke detector will be charged a \$500.00 fine directly to their student account.
- Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- No Contact Order - A notification that, effective immediately and until further notice, the student is to have no contact of any kind with another member of the NEC community. This includes, but is not limited to, contact in person, via e-mail or phone, via any social media, written contact, and any contact via a third party.
- Educational Projects - Completing a bulletin board for an RA, implementing a program for a residence hall community, writing a research paper, or other related assignments.
- Reflection Paper - A written paper that summarizes the student's thoughts and what they have learned as a result of the student conduct situation.
- Apology Letter - A sincere letter of apology for inappropriate actions that took place during a policy violation.
- Parental Notification - The parents or guardians of students under age 21 will be notified of certain student conduct situations by letter or telephone call.
- Revocation of Admission and/or Degree - Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree or for other serious violations committed by a student prior to graduation.
- Withholding Degree - The College may withhold awarding a degree otherwise earned until the completion of the process set forth in the Code of Student Conduct, including the completion of all sanctions imposed, if any.
- Dean's Hold - A hold may be placed on any student's account pending their completion of any of the above-listed sanctions.
- Other Sanctions - Other sanctions deemed appropriate by the Student Conduct Officer or Conduct Board.

Students who fail to complete their sanctions by the given due date(s) will be charged a \$100.00 fine directly to their student account per item not completed. Failure to complete sanctions could be considered as a part of deliberations in future student conduct matters.

Other than College expulsion or revocation or withholding of a degree, student conduct sanctions will not be made part of the student's permanent academic record but are part of the student's student conduct record. Upon graduation, a student's conduct records may be expunged of documentation of conduct actions, other than residence hall expulsion, College suspension, College expulsion, or revocation or withholding of a degree, upon application to the Director of Student Conduct. Student conduct records other than suspensions or expulsions will be expunged seven years after a student's last policy violation.

The following sanctions may be imposed upon groups or organizations:

- Those sanctions listed above in Article IV.
- Loss of selected rights and privileges for a specified period of time.
- Deactivation and loss of privileges, including College recognition, for a specified period of time.

In each case in which a Student Conduct Officer or Conduct Board determines that a student and/or group or organization has violated the Code of Student Conduct, sanction recommendations will be made by that Student Conduct Officer or Conduct Board. Following the student conduct process, the Director of Student Conduct or designee will advise the Respondent, group, and/or organization (and a complaining student, when allowed by FERPA) in writing of the determination and of the sanction(s) imposed, if any.

#### **Conduct Conference, Dean's Conference, and Conduct Board Hearing Appeals**

Conduct Conference, Dean's Conference, and Conduct Board Hearing appeals by Respondent(s) or Complainant(s) must be submitted to the Director of Student Conduct no later than 4:30 p.m. on the third business day after delivery of the decision letter, following the procedures detailed in that letter.

**Please Note:** For information about appealing decisions reached by the Sexual Misconduct Board, please see Section IV of the Student Handbook: Title IX, Policies Regarding Sexual Harassment, Sexual Assault, Dating/Domestic Violence, and Stalking.

Appeals will be reviewed by the following person(s):

- For matters addressed in a Conduct Conference, the Director of Student Conduct (or designee) will serve as the Appeals Officer.
- For matters addressed in a Dean's Conference, the Student Conduct Officer's supervisor or the Appeals Board will review the appeal.
- For matters addressed in a Conduct Board Hearing with the Conduct Board, the Appeals Board will review the appeal.

All appeals must be in writing and delivered to the Office of Student Conduct through the process described in a student's conduct follow-up letter. In cases where a student does not meet the deadline for an appeal, the appellate person/board will decide whether or not to consider the appeal letter based on any issues or circumstances which may have prevented a student from submitting their appeal in a timely fashion.

Except as required to explain the basis of new information, an appeal will be limited to a review of the verbatim record of the Conduct Board Hearing (if applicable) and/or supporting documents for one or more of the following purposes:

1. To determine whether the process was conducted fairly and in conformity with prescribed procedures. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
2. A conflict of interest by any college official involved in the process, including but not limited to, Hearing Facilitator, Investigator/Presenter, Student Conduct Officer, or Conduct Board Member.
3. To consider new information sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original conduct process.

If an appeal is approved by the Appeals Board or Appeals Officer, the Appeals Board/Officer can take the following actions:

1. Return the matter to the original Student Conduct Officer or Conduct Board for re-opening of the hearing to allow reconsideration of the original determination and/or to allow for consideration of new information.
2. Refer the matter to a new Student Conduct Officer or new panel of Conduct Board members in the event that the Appeal Board concludes that the initial Student Conduct Officer or Conduct Board would be biased or prejudiced.
3. Remove, add, or change any sanctions issued from the initial hearing process.

If an appeal is denied, the matter is considered final and binding upon all involved.

#### ***Article VI: Interpretation and Revision***

1. Any questions about the interpretation or application of the Code of Student Conduct should be referred to the Dean of Students or designee for final determination.
2. The Code of Student Conduct will be reviewed annually under the direction of the Dean of Students.
3. New England College reserves the right to modify the protocols and policies of the Code of Student Conduct and the Student Handbook at any time and for any reason without notice.

## **SECTION II. POLICIES REGARDING SEXUAL MISCONDUCT, DATING/DOMESTIC VIOLENCE, AND STALKING**

Policies in this section are based on a number of federal laws, including Title VII (1964 Civil Right Act), which prohibits sex-based discrimination in employment, Title IX (1972 Education Amendment) that prohibits sex-based discrimination against students, the Campus Sexual Violence Elimination Act of 2013, and the Final Rules regarding Title IX released in 2024. These policies are founded in New England College’s strong stance against sexual misconduct, dating/domestic violence, and stalking.

Employees and students should address sexual misconduct, dating or domestic violence, and stalking in order for everyone to enjoy a work and learning environment free from offensive and hostile behavior. Employees and students are strongly encouraged to seek information about campus resources available to them (including the information listed below) and to disclose cases of sexual misconduct, dating or domestic violence, and stalking so that situations can be addressed.

### **New England College’s Title IX Coordinators**

Title IX Coordinator (For Employees)  
Dr. Paula Amato  
Executive Vice President, CFO

Deputy Title IX Coordinator (For Students)  
Dr. Matt Houry  
Director of Student Conduct

E-mail: pamato@nec.edu  
Phone: 603-428-2461

E-mail: mkhoury@nec.edu  
Phone: 603-428-2318

### **Confidential Resource Advisor**

A confidential resource advisor is a trained NEC staff member who can advise students about their options, including reporting and resources, both on and off-campus.

*Contact information for NEC’s Confidential Resource Advisor:*

Stephanie McGhee-Chludenski  
Director, Office of Disability Services  
E-Mail: smcgee@nec.edu  
Phone: 603-428-2302

### **Nondiscrimination Policy & Notice of Nondiscrimination (§ 106.8(b)–(c))**

New England College does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to New England College’s Title IX Coordinators (as listed above), the U.S. Department of Education’s Office for Civil Rights at <https://ocracas.ed.gov/contact-ocr>, or both.

New England College's nondiscrimination policy and grievance procedures can be located on the NEC web page at [www.nec.edu](http://www.nec.edu) (specific web links to follow).

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the NEC web page at [www.nec.edu](http://www.nec.edu) (specific web links to follow).

New England College prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located on the NEC web page at [www.nec.edu](http://www.nec.edu) (specific web links to follow).

### **Declaration**

Information and policies for students regarding sexual harassment and assault, dating/domestic violence, and stalking are defined in this section of the New England College Student Handbook and are referred to in the Code of Student Conduct.

This policy will be published in the student handbook and available online to all members of the NEC community. Printed copies can be requested at the Office of Student Conduct. Requests for alternative forms of this document (e.g., an audio version) can be directed to the Office of Disability Services.

### **Jurisdiction**

These protocols apply equally to all students enrolled at New England College. Please note that all violations of Title IX will be determined by the same standard of evidence as all student conduct matters, preponderance of evidence (more likely than not).

### **Policy**

A student will be held responsible for a violation of College policy if they are found to have committed any of the actions listed below.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

**Quid Pro Quo Harassment:** An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

**Hostile Environment Harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education

program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in the recipient's education program or activity;

**Sexual assault:** An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation committed by a New England College student on College property, at College sponsored activities, or off campus;

**Dating violence:** Violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - i. The length of the relationship;
  - ii. The type of relationship; and
  - iii. The frequency of interaction between the persons involved in the relationship;

**Domestic violence:** Felony or misdemeanor crimes committed by a person who:

- a. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
- b. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- c. Shares a child in common with the victim; or
- d. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction;

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

<p><b><i>Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents at Postsecondary Institutions (§ 106.46)</i></b></p>
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New England College has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who

are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

### **Complaints**

The following people have a right to make a complaint of sex-based harassment, requesting that New England College investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
  - a student or employee of New England College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - a person other than a student or employee of New England College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in NEC’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- New England College’s Title IX Coordinator/Deputy Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

New England College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

The Final Rule prohibits sex-based misconduct in a manner consistent with the First Amendment. First Amendment concerns differ in educational environments and workplace environments, and the Title IX definition provides First Amendment protections appropriate for educational institutions where students are learning and employees are teaching. Students, teachers, faculty, staff, and others should enjoy free speech and academic freedom protections, even when speech or expression is offensive. *Quid pro quo harassment* and Clery Act/VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such misconduct is sufficiently serious to deprive a person of equal access.



### **Rights and Provisions**

It is the policy of the College to provide comprehensive educational programs about sexual misconduct, dating/domestic violence, and stalking to students. The Dean of Students will ensure that educational opportunities are provided on an appropriate and timely basis.

Victims/survivors of sexual misconduct may seek assistance from any College office without any obligation to make a formal report to the College or to the police. Persons accused of sexual misconduct, dating/domestic violence, and/or stalking will be subject to conduct proceedings under the procedures set forth and with the rights assured in the student handbook. The College seeks to address any complaint, including the investigation of said complaint, completion of any hearing/mediation/grievance process, and any opportunities for appeal within a reasonably prompt timeframe of the receipt of the complaint.

The College's actions are not dependent on the initiation or outcome of criminal charges.

The College will assure complainants or respondents involved in sexual harassment/assault, dating/domestic violence, and/or stalking incidents the following set of rights in addition to any other rights inherent in the Code of Student Conduct accruing to either the victim or the accused.

### **Rights of the Complainant and the Respondent**

Both parties have the following rights during the investigation and hearing process. Even if a reported victim does not wish to submit a report or file any charges, they will be given any of the rights listed below that do not apply to the conduct process.

1. The right to request an interim measure pending a hearing
2. The right to right to request and receive assistance with:
  - a. a voluntary residence hall relocation
  - b. a transfer of classes or other academic accommodations to prevent unnecessary or unwanted contact or proximity between the parties involved
  - c. transportation and parking assistance
  - d. alterations to on-campus work schedules and/or duties.
3. The right to immediate medical care and free counseling services. Individual counseling is available to each of the persons involved in such an incident.
4. Consultation with a campus official regarding academic support services and referrals to community resources when appropriate.
5. The right to have a person of their choice (a Respondent's/Complainant's Advisor) accompany them throughout the investigation and hearing process. The role of an Advisor is clearly defined in the Code of Student Conduct.

6. The right to have access to documentation of full evidence of the investigation 10 days prior to the hearing
7. The right to remain present during the entire hearing, except for Board deliberations.
8. The right to be simultaneously informed of the outcome of the hearing
9. The right to be protected under New Hampshire state law
10. The right to speak with off-campus authorities (e.g., Henniker Police Department) and to request an order of protection from a court of appropriate jurisdiction against the alleged perpetrator
11. The right of appeal of the Sexual Misconduct Board's decision, the right to be simultaneously informed of any changes in the hearing results stemming from an appeal, and the right to be simultaneously notified when the results become final

Respondents should refer to the New England College Student Handbook for more information on their rights, resolution of conduct violations, procedures, and responsibilities.

### **Disclosure, Reporting, and the Complaint Process**

Students who believe that they have been the victim or survivor of sexual misconduct, dating or domestic violence, and/or stalking are encouraged to file a complaint with the Deputy Title IX Coordinator.

According to the Final Rule:

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school (e.g., applicant, current student, or alum) with which the formal complaint is filed.

The Department of Campus Safety (603-428-2323) has trained investigators on staff who are prepared to investigate cases involving sexual harassment, assault, and dating/domestic violations. New England College encourages reporting of all incidents of sexual misconduct, dating or domestic violence, and/or stalking to law enforcement authorities but strongly respects that whether to report to the police is a decision that the victim needs to make.

New England College offers services to victims even if they choose not to formally report the incidents to any on- or off-campus reporting authorities. In those cases, services can be obtained directly by the student, on campus through the Wellness Center or through an off-campus referral.

If other policy violations have occurred in relation to an incident of sexual harassment/assault, dating or domestic violence, and/or stalking, particularly alcohol or substance use/abuse

violations, the College generally will not pursue disciplinary actions about these other alleged violations against the complainant or against student witnesses of the incident.

A student has several options regarding notifications of on- and off-campus authorities. These options are as follows:

- The student can contact either campus authorities (e.g., Campus Safety, Deputy Title IX Coordinator), off-campus authorities (e.g., Police) or both
- The student can ask for the assistance of Campus Safety or Title IX Coordinator with contacting off-campus authorities
- The student can choose to notify neither the police nor any campus authorities

Please note that the College has the authority to proceed with the hearing process regarding domestic/dating violence even when the victim is not willing to participate. This could occur when there is evidence of domestic/dating violence from a third party report or direct witnessing of events. In addition, in certain instances, New England College may need to report a stalking incident to law enforcement authorities even when the victim is not willing to file a complaint. Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community, other situations in which there is clear and imminent danger, or when a weapon may be involved.

College conduct procedures are not substitutes for civil and criminal proceedings. A student accused of sexual misconduct, dating or domestic violence, and/or stalking can be prosecuted under applicable criminal statutes as well as held accountable under the New England College Code of Student Conduct.

An accused person, if not a member of the New England College community, may be prosecuted under the applicable state laws but not under the New England College student conduct system. When the accused is not a member of the College community, that person may be banned from campus. In these cases, the victim is still entitled to all New England College support services.

### **Confidentiality**

Under federal law, if a student makes a formal report about an act of sexual misconduct, dating or domestic violence, and/or stalking to the Title IX Coordinator or designee, the institution has an obligation to “respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances.” To the extent possible by law, the Title IX Coordinator and/or designees will protect the privacy of all parties to a complaint but cannot promise confidentiality. Only those employed by the New England College Wellness Center may promise confidentiality, unless there is a clear threat to self or others.

The College shall edit or redact publicly available record keeping to remove identifying information about the victim to the extent possible by law.

New England College will comply with all known orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts. Students should notify and provide a copy of such an order to the New England College Department of Campus Safety (in person at 58 Union Street or via phone at 603-428-2323).

Any individual may make an anonymous report concerning an act of sexual harassment, sexual violence, dating or domestic violence, or stalking. An individual may report the incident without disclosing their name, identifying the accused, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited. The Deputy Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate and, in consultation with the Director of Campus Safety, comply with all Clery Act obligations.

### **Investigation**

New England College will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on NEC—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

NEC will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

NEC will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who typically is an NEC faculty or staff member.

- NEC will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- NEC may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

NEC will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

NEC will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

NEC will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

NEC will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- NEC will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence.
- NEC will provide a reasonable opportunity to review and respond to the evidence or the investigative report; and
- NEC will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Upon receipt of a formal complaint, the College "must respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances." When a formal complaint is moving forward, an investigation will be pursued. This investigation will be conducted, in most cases, by the Department of Campus Safety. Students, faculty, and staff are expected to cooperate fully with any investigation and/or the hearing process and are expected to provide the truth in all investigations and hearings.

Procedures related to investigations and student conduct processes at New England College are designed to provide prompt, fair, and impartial investigation and resolution of complaints. Investigations and conduct processes will be conducted by professionals who receive annual training in issues related to sexual misconduct, dating/domestic violence, and stalking. Additionally, staff members who conduct hearings receive ongoing training to conduct processes that protect victim safety and promote accountability.

The U.S. Education Department's Office for Civil Rights (OCR) has issued guidelines for meeting the requirements of Title IX of the Educational Amendment of 1972. According to these guidelines, the College is in violation of the law if we fail to act promptly to end sexual harassment that we "knew or, in the exercise of reasonable care, should have known."

The College seeks to address any complaint, including the investigation of said complaint, completion of any hearing/mediation/grievance process and any opportunities for appeal, within a reasonably prompt timeframe of the receipt of the complaint.

### **Supportive Measures**

New England College will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the NEC's education program or activity or provide support during NEC's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include, but are not limited to, referral to medical and mental health services, academic accommodations, assistance in filing a criminal complaint with local police, changes in campus housing accommodations, etc.

### **Preserving the Evidence**

In the event of a complaint and/or investigation, one crucial consideration is preserving evidence. Should a survivor be even remotely considering the possibility of eventually pursuing criminal sexual assault charges, evidence found on or in the body must be collected by trained medical personnel at a hospital. While this can feel like adding trauma to trauma, at the very least the student should consider not immediately taking a shower or washing or destroying the clothes associated with the assault. In addition, persons who may be considering entering an off-campus or on-campus complaint should do their best to preserve other physical evidence, such as clothing and communications (e.g., text messages, e-mails, etc.).

### **Conduct Process and Determination**

In cases where a student is alleged to have violated any of the sexual misconduct policies, the College will adjudicate the matter through the student conduct process. Refer to the Code of Student Conduct for information on the conduct process.

In cases where an employee of the College is alleged to have violated these policies, the College will address the matter through the employee's supervisor, the Office of Human Resources, or the Office of the Vice President for Finance and Administration. Employees should refer to their employee handbook for more information.

In all student conduct hearings and proceedings, the standard of evidence that will apply is a "preponderance of the evidence" (more likely than not).

### **Basic Requirements of Title IX Grievance Procedures**

New England College will treat complainants and respondents equitably.

New England College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.

New England College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Under federal Title IX guidelines, New England College has established the following timeframes for the major stages of the grievance procedures:

- Deputy Title IX Coordinator emails Respondent and Complainant about decision to proceed through a Title IX process or to dismiss the complaint as a Title IX process. Respondent and/or Complainant will be able to appeal the decision of the Deputy Title IX Coordinator within 10 calendar days of the decision.
- Title IX Investigator emails both parties for an interview. Both parties have 10 calendar days to respond to the initial request for an interview.

- Once the investigation is complete, both parties receive the preliminary report with related evidence and summaries. Parties have 10 calendar days to review and respond with any questions or comments.
- Once the report is finalized, the Deputy Title IX Coordinator sends the final report to both parties and sets a date and time for the formal hearing. The formal hearing must occur at least 10 calendar days after the final report is sent to both parties.
- Both parties receive written notice of the hearing decision and any applicable sanctions. Either party may appeal the decision within 10 days after delivery of the decision letter, based on applicable appeal grounds.

New England College has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay: The party seeking a timeframe extension must email the Deputy Title IX Coordinator with an explanation for the extension request.

New England College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

New England College will objectively evaluate all evidence that is relevant and not otherwise impermissible - including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by New England College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless New England College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself

demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

### **Written Notice of Allegations**

Upon initiation of these Title IX grievance procedures, New England College will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- NEC's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- That retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence; and
- NEC's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, New England College decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

### **Dismissal of a Complaint**

New England College may dismiss a complaint if:

- NEC is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in NEC's education program or activity and is not employed by NEC;
- NEC obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and NEC determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- NEC determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, NEC will make reasonable efforts to clarify the allegations with the complainant.



Upon dismissal, New England College will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then NEC will notify the parties simultaneously in writing.

New England College will notify the complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If dismissal occurs after the respondent has been notified of the allegations, then NEC will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, NEC will follow the procedures outlined in the *Appeals* section.

When a complaint is dismissed, New England College will, at a minimum:

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

### **Questioning the Parties and Witnesses**

New England College will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

New England College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. If a party does not have an advisor to ask questions on their behalf, NECC will provide the party with an advisor of NEC's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, NEC will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

*Procedures for the decisionmaker to evaluate the questions and limitations on questions:* The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

*Refusal to respond to questions and inferences based on refusal to respond to questions:* The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

### **Retaliation**

All students have the right to pursue both internal disciplinary processes and/or charges through external law enforcement authorities free of any interference or retaliation by any member of the New England College community or any person acting on their behalf. Any retaliation under these circumstances is strictly prohibited and would represent a violation of the Code of Student Conduct even if the underlying complaint cannot be substantiated. This retaliation policy protects complainants, witnesses, and any other parties involved in any investigation or student conduct process.

Retaliation should be reported to the Title IX Coordinator, Department of Campus Safety, or Office of Student Conduct.

### **Procedures for a Live Hearing**

New England College typically will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking (e.g., via Zoom or Microsoft Teams).

New England College will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review upon request.

### **Determination Whether Sex-Based Harassment Occurred**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, New England College will:

- Use the preponderance of the evidence (e.g., more likely than not) standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
  - A description of the alleged sex-based harassment;
  - Information about the policies and procedures that NEC used to evaluate the allegations;

- The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
  - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions NEC will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by NEC to the complainant, and, to the extent appropriate, other students identified by NEC to be experiencing the effects of the sex-based harassment; and
  - NEC's procedures and permissible bases for the complainant and respondent to appeal.
- New England College will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
  - If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
    - Coordinate the provision and implementation of remedies to a complainant and other people NEC identifies as having had equal access to NEC's education program or activity limited or denied by sex discrimination;
    - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
    - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within NEC's education program or activity.
  - Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
  - Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred. NEC may address false statements by initiating a disciplinary process under the Code of Student Conduct independent of the determination whether sex discrimination occurred.

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

### **Sanctions and Remedies**

Following a determination that sex-based harassment occurred, New England College may impose sanctions, up to and/or including suspension or expulsion from New England College. Sanctions are determined by the seriousness of the violation, precedent for similar violations, the Respondent's conduct history, and any existing aggravating and/or mitigating factors. NEC may also provide remedies, which may include, but are not limited to, a mutual campus no

contact order, limited access to designated campus buildings or areas, adjusted class schedules, residence hall relocation opportunities, counseling services, etc.

### **Sexual Misconduct Board Hearings**

#### **Summary of the Title IX Sexual Misconduct Process**

1. When a student wishes to report a violation of the sexual harassment/assault/dating/ domestic violence policy, the student must meet with the Deputy Title IX Coordinator. During this meeting, the Deputy Title IX Coordinator will review supportive measures and discuss the process with the student.
2. To start the process to address sexual misconduct, the Complainant must file a report (Formal Complaint) with the Deputy Title IX Coordinator. This may be done in person or electronically. In rare circumstances, a Title IX Coordinator can initiate a Formal Complaint without the signature of a complainant. The Deputy Title IX Coordinator must complete the following items:
  - a. Review all the rights for both the Respondent and Complainant
  - b. Determine if the complaint meets the definition of sexual harassment or assault based on the definitions described by the Clery Act
  - c. Identify whether the incident occurred on campus property or at a campus affiliated activity in the United States
3. The Deputy Title IX coordinator will e-mail both parties, Respondent and Complainant, regarding the decision to proceed through a Title IX process or to dismiss the complaint as a Title IX process (A non-Title IX student conduct process can be initiated at this time). Students will be able to appeal the decision of the Deputy Title IX Coordinator within 10 calendar days of the decision. The appeal must be submitted in writing to the Title IX Coordinator.
4. Approved Formal Complaints will be forwarded to the Title IX Investigator. The Title IX Investigator will review the initial complaint, explain the rights to both parties, and email both parties for an interview. Both parties will be given 10 calendar days to respond to the initial request for an interview and be encouraged to seek out an advisor for the process. If a party is unable to find an advisor, the party should reach out to the Deputy Title IX Coordinator and one will be assigned.
5. The Investigator will proceed with the investigation and upon completion will notify both parties of the evidence and findings in writing in a preliminary report with the directly-related evidence and summaries. Parties will have 10 calendar days to review the preliminary report and respond with any additional questions or comments.
6. The Investigator will review responses by both parties, seek out any clarification/ answers to questions, and forward the final report to the Deputy Title IX Coordinator.

7. The Deputy Title IX Coordinator will send the final report to both parties and notification of the time and date for a formal hearing. The formal hearing must occur at least 10 calendar days after the final report is sent to both parties. If one of the parties (or both) does not have an advisor for the formal hearing, a trained advisor will be chosen by the Deputy Title IX Coordinator for the parties.
8. The Deputy Title IX Coordinator will select a panel of three trained staff and faculty members to serve as the Sexual Misconduct Board (referred to as “Decision-Makers” by Title IX). The Associate Dean of Students or designee must be one of the members of the Sexual Misconduct Board.
9. The Deputy Title IX Coordinator will serve as the facilitator of the Sexual Misconduct Board but will not make any decisions regarding questions, responsibility, or sanctioning. All decisions will be made by the Sexual Misconduct Board (Decision-Makers).
10. A single verbatim record, such as a tape recording, will be made of all Hearings. Deliberations will not be recorded. The record is the property of the College and will be erased or otherwise destroyed after any potential appeals process has ended.
11. If a Respondent, after sufficient notice, does not appear at their Hearing, the information in support of the policy violations may be presented and considered even if the Respondent is not present. In some cases, Respondents may choose to attend their hearing but, either by personal choice or at the advice of counsel, not make any statements. A Respondent’s absence or decision not to fully participate in the hearing process will not be seen in a negative sense.
12. Failure of Witness(s) to attend a live hearing will result in information obtained from that individual being excluded from consideration by the Decision-Makers.
13. Failure of a Complainant to participate in the hearing will result all information from the Complainant to be excluded from consideration by the Decision-makers. This may result in removal of the Sexual Harassment policy violations as a charge.
14. The Decision-Makers may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the Complainant, Respondent, and/or other witness during the hearing by providing separate facilities, by using technology by permitting participation by telephone, video conferencing, or other means where and as determined by the Decision-Makers.

*Description of Sexual Misconduct Board Hearing Format*

All Sexual Misconduct Board Hearings will be conducted with the following format. Deviations from this format will be allowed with the consent of the Respondent(s), Complainant(s), and Hearing Facilitator.

1. Introduction to hearing
  - a. Introduction of the Hearing Facilitator or Title IX Coordinator
  - b. Purpose of the hearing (including statement about Respondent(s) being considered not responsible at the onset of the hearing)
  - c. Description of Hearing format
2. Introduction of the Sexual Misconduct Board members (Decision-Makers)
  - a. Respondent and/or Complainant are asked if any conflicts of interest exist with any Sexual Misconduct Board members.
3. Introduction of participants
  - a. Respondent and Advisor
  - b. Complainant and Advisor
  - c. Title IX Investigator
  - d. List of Witnesses
4. Reading of alleged Policy Violations and responses by the Respondent
  - a. The Hearing Facilitator/Title IX Coordinator reads the policy violations and the asks the Respondent for a response of “Responsible” or “Not Responsible” to each violation.
5. Presentation by the Title IX Investigator
  - a. Title IX Investigator reviews incident report and other information that makes up the basis for the alleged policy violation(s).
  - b. Respondent(s) and Complainant(s) may ask clarifying questions
  - c. Sexual Misconduct Board may ask clarifying questions
6. Presentation by Respondent(s) and Complainant(s)
  - a. Respondent(s) and Complainant(s) can respond to previously entered information and make a statement, as desired. If the Respondent(s) states that they are “Responsible,” the Respondent(s) should explain why they are taking responsibility.
  - b. Respondent’s advisor may ask questions of the Complainant
  - c. Complainant’s advisor may ask questions of the Respondent
  - d. Sexual Misconduct Board (Decision-makers) will determine if each question is relevant to the proceedings
  - e. Sexual Misconduct Board may ask questions of both the Respondent and Complainant
7. Presentation by Witnesses
  - a. Witnesses will be asked to give a statement about information they have pertaining to the alleged policy violations
  - b. Respondent(s)’ and Complainant(s)’ advisors may ask questions to the witnesses

- c. Sexual Misconduct Board (Decision-makers) will determine if each question is relevant to the proceedings
  - d. Sexual Misconduct Board may ask questions
- 8. Optional Break
  - a. Hearing Facilitator/Title IX Coordinator can pause the hearing
- 9. Questioning of Complainant and Respondent by Sexual Misconduct Board members
- 10. Final remarks and follow-up questions
  - a. Final remarks by Respondent(s) and Complainant(s)
  - b. Final follow-up questions by the Sexual Misconduct Board

*Guidelines for the Sexual Misconduct Board*

Sexual Misconduct Board Hearings will be conducted according to the following guidelines:

1. Hearings normally are conducted in private, with any persons not part of the process allowed in at the discretion of the Sexual Misconduct Board (Decision-Makers).
2. The Complainant, Respondent, and their advisors will be allowed to attend the entire portion of the Hearing at which information is received, excluding Sexual Misconduct Board deliberations. Admission of any other person to the hearing will be at the discretion of the Sexual Misconduct Board (Decision-Makers).
3. The Complainant and the Respondent have the right to be assisted by a Respondent's/ Complainant's Advisor (as defined in Section II), at their own expense. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. If a Respondent/Complainant does not have an advisor, one will be appointed for purposes of cross-examination if a hearing is initiated. The name and email address should be provided to the Deputy Title IX Coordinator 12 days prior to any hearing process. Please note: an advisor in this process is limited in scope to a supportive, non-participatory role in the investigation, but as required by federal law, can ask questions of Respondent/ Complainant. All questions will be subject to relevancy by the Sexual Misconduct Board (Decision-makers).
4. The Complainant, the Respondent, and the Investigator may arrange for witnesses to present pertinent information to the Sexual Misconduct Board.
  - a. Respondents and Complainants must notify the Deputy Title IX Coordinator via email of any witnesses they wish to invite to the hearing. Witnesses will provide information to, and answer questions from, the Sexual Misconduct Board and the Respondent or Complainants advisors. Questions from the advisors will be reviewed for relevance at discretion of the Sexual Misconduct Board (Decision-Makers).

5. Pertinent records, items, and written statements (when the witness is present at the hearing) may be accepted as information for consideration by the Sexual Misconduct Board (Decision-Makers).
6. All procedural questions are subject to the final decision of the Sexual Misconduct Board (Decision-Makers).
7. After the portion of the Hearing concludes in which all pertinent information has been received, the Sexual Misconduct Board will begin deliberations as to whether the Respondent has violated each section of the Code of Student Conduct which the student is charged with violating.
8. The Sexual Misconduct Board's (Decision-Makers') determination will be made on the basis of whether it is more likely than not that the Respondent violated the Code of Student Conduct. The standard of proof for all College Student Conduct Hearings is preponderance of evidence ("more likely than not").
9. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct proceedings.

### **Student Rights**

Rights of students charged with Code of Conduct violations that are resolved through the formal Title IX-related process:

1. The presumption of innocence until found responsible for any policy violation(s).
2. The right to have their case processed without prejudicial delay.
3. Notice of the violations at least 10 days before any process begins. Normally such notice will be written, although unusual circumstances may require temporary verbal notification. E-mail communication to a student's New England College e-mail account is considered written communication for the purposes of this process.
4. Written notice of the time, place, and date of the hearing, provided at least 10 days prior to the hearing. E-mail communication to a student's New England College e-mail account is considered written communication for the purposes of this process.
5. The right to be assisted during the hearing process by an advisor in accordance with the guidelines listed in Section II in the "Respondent's/Complainant's Advisor" definition.
6. The right to respond to any information presented at their hearing, to produce witnesses on their behalf, and to present evidence.



7. The right to have the advisor cross-examine any witnesses appearing at the hearing.
8. Written notice of hearing decision and sanctions.
9. The right to appeal.

### **Title IX Sexual Misconduct Hearing Appeals**

Decisions reached by the Sexual Misconduct Board may be appealed by the Respondent(s) or Complainant(s). Title IX Sexual Misconduct appeals must be received within 10 days after the delivery of the decision letter, following the procedures detailed in that letter.

All appeals must be in writing and delivered electronically to the Office of Student Conduct through the process described in a student's conduct follow-up letter. In cases where a student does not meet the deadline for an appeal, the Appeals Board will decide whether or not to consider the appeal letter. This decision will include consideration of any issues or circumstances which may have prevented a student from submitting their appeal in a timely fashion.

Except as required to explain the basis of new information, an appeal will be limited to a review of the verbatim record of the Title IX Sexual Misconduct Hearing (if applicable) and/or supporting documents for one or more of the following purposes:

1. To determine whether the process was conducted fairly and in conformity with prescribed procedures. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
2. A conflict of interest by any college official involved in the process, including but not limited to, Title IX Coordinator, Hearing Facilitator, Title IX Investigator, or Sexual Misconduct Board Member.
3. To consider new information sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original conduct process.

If an appeal is approved by the Appeals Board, the Appeals Board can take the following actions:

1. Return the matter to the original Sexual Misconduct Board for re-opening of the hearing to allow reconsideration of the original determination and/or to allow for consideration of new information.
2. Refer the matter to a new panel of Sexual Misconduct Board members in the event that the Appeal Board concludes that the initial Sexual Misconduct Board would be biased or prejudiced.
3. Remove, add, or change any sanctions issued from the initial hearing process.

If an appeal is denied, the matter is considered final and binding upon all involved.

If a party appeals a dismissal or determination whether sex-based harassment occurred, NEC will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that NEC will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal NEC offers will be equally available to all parties.

### **Informal Resolution**

In lieu of resolving a complaint through New England College Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. NEC will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. NEC will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, NEC will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information NEC will maintain and whether and how NEC could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

### **Appendix: Definitions (106.2)**

*Complainant* means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or

2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.
3. Information received from non-community members is not considered under Title IX and may be adjudicated through NEC's student conduct process.

*Complaint* means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

*Disciplinary sanctions* means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

*Party* means a complainant or respondent.

*Relevant* means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

*Remedies* means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

*Respondent* means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

*Retaliation* means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

*Supportive measures* means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

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

## ADDITIONAL DEFINITIONS

### **Clery Act Sexual Offenses Definitions**

The Clery Act has four defined sex offenses for which crime statistics must be collected on Clery geography. They are rape, fondling, incest, and statutory rape.

#### *1. Rape*

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

#### *2. Fondling*

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

#### *3. Incest*

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

#### *4. Statutory Rape*

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

### **Where and How Sexual Harassment Could Occur**

According to the Final Rule, "The Title IX statute applies to persons in the United States with respect to education programs or activities that receive Federal financial assistance. Under the Final Rule, schools must respond when sexual harassment occurs in the school's education program or activity, against a person in the United States."

Institutions may address sexual harassment outside of the educational program or activity by any other means, including supportive measures and other disciplinary processes.

### **Dating and Domestic Violence (VAWA Definitions)**

**Dating violence:** violence or abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship

- The type of relationship
- The frequency of interaction between the persons involved in the relationship

***Domestic violence:*** a pattern of abusive behavior that is used by an intimate partner\* to gain or maintain power and control over the other intimate partner. Domestic violence includes incidents where the involved parties are current or former spouses (or persons similarly situated to a spouse or that cohabitated as spouses), have a child in common, or have or had another relationship covered by the domestic or family violence laws of the jurisdiction (such as individuals related by blood or marriage or current or former household members).

Dating and domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

\*"Intimate partners" means persons who are, or have been for any length of time, sexually or romantically involved regardless of the gender of either partner.

Abusive behavior may include, but is not limited to, the occurrence of one or more of the following acts:

- Attempt to cause, purposely or recklessly, bodily injury
- Physically or verbally causing or threatening imminent bodily harm to themselves, the alleged victim, or another person
- Attempting or engaging in sexual assault
- Attempting to or restraining someone through physical holding, preventing their leaving, or taking them somewhere against their will
- Attempting or committing destruction of property of the alleged victim
- Attempting or committing an unauthorized entry on the property of the alleged victim
- Engaging in any other course of conduct which physically or emotionally harms or places in fear the alleged victim
- Intimidating the alleged victim by engaging in a pattern of conduct intentionally or recklessly which would cause substantial emotional distress to a reasonable person

### **Stalking**

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. Course of conduct is defined as "a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct."

### **Stalking Behaviors**

Stalking includes any behaviors or activities occurring on more than one occasion that collectively instill fear in a victim and/or threaten their safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are undesired and place another person in fear
- Use of online, electronic, or digital technologies, including:
  - Posting of pictures of or information about that person in chat rooms or on Web sites
  - Sending unwanted/unsolicited email or talk requests to that person
  - Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards
  - Installing spyware on a victim's computer
  - Using Global Positioning Systems (GPS) to monitor a victim
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim
- Surveillance or other types of observation including staring or "peeping"
- Trespassing
- Vandalism
- Non-consensual touching
- Direct verbal or physical threats
- Gathering information about an individual from friends, family, and/or co-workers
- Threats to harm self or others
- Defamation – lying to others about the victim

### **Consent**

Consent is an understandable exchange of affirmative words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed and freely and actively given. Consent must be ongoing throughout a sexual encounter, and it is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. An individual may change their mind and revoke consent at any time by verbal or non-verbal communication.

The lack of a response is not consent. An individual who is incapacitated by alcohol and/or other drugs both voluntarily or involuntarily consumed may not give consent. Past consent of sexual activity does not imply ongoing future consent.

If any of the following are present, consent cannot be given:

- Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction)
- Sexual activity with someone who one should know to be, or based on circumstances should reasonably have known to be, mentally or physically incapacitated (by alcohol or drug use, unconsciousness, or blackout)
- A person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the consumption of rape drugs cannot give consent

- In New Hampshire, people who engage in sexual activity with children under the age of consent (age 16) can be convicted of sexual assault (also called statutory rape) and would be considered to be in violation of this policy and in violation of the Code of Student Conduct

Evidence of alcohol or drug-related incapacity may be detected from context clues, such as:

- Slurred speech
- Bloodshot eyes
- The smell of alcohol on their breath
- Shaky equilibrium
- Vomiting
- Unusual behavior
- Unconsciousness

Context clues are important in helping to determine incapacitation. These signs alone do not necessarily indicate incapacitation.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and/or coercion that overcome resistance.

Coercion is unreasonable pressure for sexual activity. Coercion is the use of emotional manipulation to persuade someone to do something they may not want to do such as being sexual or performing certain sexual acts. Being coerced into having sex or performing sexual acts is not consenting to having sex and is considered sexual misconduct.

### **Seeking Assistance**

New England College encourages students who have been a victim, or who need information or support about sexual misconduct, dating/domestic violence, and/or stalking, to contact the following campus and local resources:

#### **On-Campus Resources:**

##### ***Department of Campus Safety***

58 Union Street

Phone: 603-428-2323

The Department of Campus Safety provides assistance with submitting complaints and reports, investigates incidents, and connects students with the Wellness Center as well as with off-campus agencies.

##### ***Wellness Center***

32 Union Street

Phone: 603-428-2253

The Wellness Center is able to provide health assessments and treatment, as well as counseling.

***Office of Student Conduct***

Simon Center 318

Phone: 603-428-2318

The Office of Student Conduct coordinates all student conduct processes stemming from alleged violations of the Code of Student Conduct. Our staff also can discuss reporting options, both on-campus and off-campus, and can help with referrals to other resources.

***Off-Campus Resources:***

***Merrimack County Advocacy Center***

163 North Main Street, Suite 101

Concord, NH 03301

Phone: 603-219-0627

Website: [www.cac-nh.org/merrimack](http://www.cac-nh.org/merrimack)

The Advocacy Center provides support and services to victims of sexual and physical abuse.

***Henniker Police Department***

340 Western Avenue

Henniker, NH 03242

Phone: 603-428-3213

Website: <https://www.henniker.org/police>

The Henniker Police Department offers emergency response, victim support, and assistance and referrals to local support and advocacy resources. Can also apply for requests for emergency orders of protection.

***New Hampshire Coalition Against Domestic and Sexual Violence***

Statewide sexual assault hotline: 1-800-277-5570

Statewide domestic and sexual violence hotline: 1-866-644-3574

Website: <https://www.nhcadv.org/>

The Coalition helps connect victims and survivors with a number of local resources and agencies.

***Crisis Center of Central New Hampshire***

Phone: 866-841-6229 (24 crisis/resource hotline)

Website: <https://cccnh.org>



The Crisis Center of Central NH supports those affected by domestic and sexual violence. The Crisis Center also has advocates for victims; these advocates can accompany them to the courts, help prepare for courts, and assist with getting services.

***Hillsboro District Court, Family Division***

15 Antrim Road

Hillsborough, NH 03244

Phone: 855-212-1234

Available 8:00 a.m. - 4:00 p.m. Monday through Friday

Website: <https://www.courts.nh.gov/your-visit/find-court/hillsborough-county-family-divisions>

Victims can apply to the court for orders of protection. The Department of Campus Safety or the Henniker Police Department (see above for contact information) can assist with this process.

***Victim's Compensation Program (NH Department of Justice)***

33 Capitol Street

Concord, NH 03301-6397

Phone: 800-300-4500

Email: [victimcomp@doj.nh.gov](mailto:victimcomp@doj.nh.gov)

Website: <https://www.doj.nh.gov/grants-management/victims-compensation-program/>

The New Hampshire Victims' Compensation Program helps innocent victims of violent crime with expenses directly related to crime injuries.

***Riverbend Community Mental Health***

Phone: 844-743-5748 (24 hour emergency services)

Website: [www.riverbendcmhc.org](http://www.riverbendcmhc.org)

Riverbend offers 24-hour-a-day emergency services for persons experiencing mental health issues. They can provide assessment, referrals to other agencies, and on-going counseling services.

***New Hampshire 211***

Dial 211 from any cell phone or land line

Website: [www.211nh.org](http://www.211nh.org)

New Hampshire 211 (sponsored by the United Way) can help persons connect with a variety of supports and services, including legal assistance, health care, counseling, housing assistance, and food and income assistance.

### **Risk Reduction, Prevention Information, and Response - Sexual Misconduct**

Victims of sexual assault, rape, and other sexual misconduct are never at fault. Please contact the Department of Campus Safety, the Wellness Center, or another College resource if you or someone you know is a victim of sexual misconduct.

### ***What to do if you or someone you know has been a victim or survivor of sexual misconduct, dating/domestic violence, and/or stalking***

When someone experiences sexual misconduct, dating/domestic violence, and/or stalking, they all experience it in their own way. It is important to keep in mind the following steps to get yourself safe and to receive the help you or your friend need:

#### **Go to a Safe Place**

Call a friend, family member, or someone you trust to stay with; you are encouraged to call the police (911) or Campus Safety (603-428-2323).

#### **Further Steps**

A College staff member or counselor can work with the student to understand, as appropriate, the survivor's options, including:

- Seeking Medical Care
- Filing a report with the Henniker Police Department
- Filing a complaint through New England College's Student Conduct System
- Obtaining a No-Contact Order through the College
- Non-medical assistance
  - Housing
  - Counseling
  - Academic Issues - Assistance is available to the survivor regarding academic problems that may arise in relation with the assault

#### **Tips for helping someone who has experienced sexual misconduct, dating/domestic violence, and/or stalking:**

##### **DO:**

- Be supportive and listen to them
- Share your feelings of concern for them
- Communicate to your friend that they are not responsible for the violation
- Make sure your friend has a safe place to stay
- Allow your friend to regain control by making their own decisions
- Make yourself available to accompany your friend to a helping resource (e.g., hospital, Wellness Center)
- Realize that you, too, have been affected and seek support if you need it

##### **DON'T**

- Attempt to seek revenge
- Make jokes
- Be angry with your friend

- Force them to talk and/or take control from them
- Ask your friend how they could “let this happen”
- Assume you understand how your friend feels
- Discuss the incident with others unless you have permission from your friend

**Dating/Domestic Violence**

Dating and Domestic Violence are never the fault of the victim. Through awareness of the potential warning signs of abuse or violence, persons can help to identify abuse and victimization in their own lives or in the lives of others they know. Please be aware of the following potential warning signs and please contact a College official if you have any concerns for yourself or someone else in the community. The Department of Campus Safety is one resource, available 24 hours a day, and can be reached at 603-428-2323.

***Warning Signs Someone May Be Being Abused/Victimized May Include:***

- Withdrawal from friends and/or activities
- Absences from class, work, or regular activities
- Failing grades
- Dramatic changes in mood or personality
- Extensive concern about the partner’s anger, disapproval, or happiness
- Visible marks and bruises
- Emotional outbursts
- Overreacting to minor incidents
- Difficulty making decisions without the partner
- Constantly defending the abuser and blaming self
- Changes in appearance

***Warning Signs of a Potential Abusive Person May Include:***

- Attempts at monitoring activities/relationships
- Jealousy
- Lack of respecting boundaries
- Possessiveness
- Threats and/or destruction of property
- Verbal abuse
- Puts others down
- Use of humiliation
- Controlling
- Isolating person from support (family, friends, mentors)
- Use of intimidation
- Volatile temper
- Forces unwanted sexual behavior
- Blames the victim or others for the abuse
- History of violence
- Uses hurtful and/or discriminatory language about others based on gender, race, or sexual orientation

- Mean to animals or children
- Breaking or hitting objects (e.g., punching a wall)

### **Stalking**

The following are ways you can reduce your risk of being victimized through stalking. Stalking is never the fault of the victim. Please contact the Department of Campus Safety if you are concerned that you or someone you know is being stalked.

- **Remove personal information from social media**  
Remove information such as telephone numbers, addresses, email, pictures, and class schedules from Facebook, Twitter, and other social networking profiles. Set your profiles to private. Change your password.
- **Keep information private**  
If you feel that you are being stalked, you may want to consider taking down your profiles and changing your email address and phone number. Only give friends you know personally access to new phone numbers and/or personal information.
- **Vary your routine**  
Take a different route to places you go often such as class or work. Eat lunch at a different time. Changing your routine makes you harder to follow.
- **Don't walk alone**  
Ask a friend if you feel afraid to walk alone. Campus Safety can also provide an escort. Walk with friends around campus. When you leave work, have a coworker make sure you get to your car safely.
- **Lock your doors**  
Make sure when you leave your place of residence you lock your doors; stress the importance of locking the door with any roommates. If you have lived with your stalker, or think they have access to your home/room, have your locks/door combination changed.
- **Be aware of controlling behaviors**  
Watch for signs of controlling behaviors in a relationship. Does your partner monitor your emails, call to check up on you, follow you, or threaten you? These can be "red flags" or warning signs of an unhealthy situation.
- **Take a self-defense class**  
Self-defense classes are offered in the community – please contact the Department of Campus Safety to learn about local resources. These classes can teach basic self-defense and can help you to feel empowered.

➤ **Trust your instincts**

If you feel unsecure or afraid, that can be a warning that a situation is not right or safe. Do not ignore those feelings; take necessary precautions.

- Use the personal safety tips provided by Campus Safety, an RA, or other College officials. We are here to help you make safer choices.

## SECTION III. ALCOHOL AND OTHER DRUG POLICIES

### **Alcohol and Other Drugs**

#### **Student Use of Alcohol and Other Drugs**

The objectives of the College's Alcohol and Other Drug Programs are to:

- Allow residents to live and socialize happily while respecting the rights of all residents to enjoy a safe, private, secure, and comfortable living environment free from excessive noise and disturbance.
- Enable residents to make informed decisions about alcohol.
- Minimize alcohol and drug-related harm to individuals and damage to property.
- Preserve the reputation of the College within the community.
- Offer appropriate forms of assistance to those for whom alcohol and/or other drugs have become a problem.

The College permits the consumption of alcohol for residents 21 years of age or older. Moderation in the use of alcohol and a responsible attitude towards its consumption within the College setting is essential and expected. Abuse of alcohol or excessive intoxication will not be regarded as an excuse for inappropriate behavior but as a justification for student conduct action.

The health and wellbeing of our students is of primary concern. Alcohol affects different people in different ways, and there are always risks associated with the consumption of alcohol. These include damage to an individual's health, family and peer relationships, academic performance, and social and emotional wellbeing.

All students should be able to sleep and study without being disturbed by other students. The decision of whether to legally consume alcohol is a personal choice. The College aims to create a climate that enables individuals (over the age of 21) to make free and informed choices as to the level of consumption of alcohol in an environment free of inducement and social pressure to drink to excess.

Continued excessive consumption of alcohol or anti-social behaviors arising from alcohol consumption may result in the student being referred for assistance to the Wellness Center/Counseling Staff. If significant health issues surrounding alcohol or other substances are identified, residents will be supported within the capabilities of the College, and outside agencies will be involved where appropriate. It is the responsibility of students to minimize the harmful effects of alcohol and to ensure that relevant policies are strictly adhered to.

#### **College Policies Regarding Student Use of Alcohol and Other Drugs**

The following are violations of College policy that are subject to action through the student conduct process:

1. Misuse or illegal use and/or distribution of alcoholic beverages, including any violations of the laws of the State of New Hampshire. It is unlawful for any person under the age

of 21 to consume alcohol or have it in that person's possession. Unauthorized kegs and large amounts of alcoholic beverages are not permitted on College property.

2. Use or possession of any controlled substance or illegal drug in the residence hall or on campus.
3. Use or possession of any prescription medication that is not prescribed to that student.
4. Possession of drug paraphernalia, including, but not limited to, pipes, bongs, rolling papers, and/or scales.
5. Unauthorized distribution or possession for purpose of distribution of any controlled substance or illegal drug.

New England College does not allow open containers or consumption of alcoholic beverages on College property, walkways, roadways, athletic fields or facilities, and academic facilities or any area not previously approved by the College. Local police also enforce these regulations, both on and off campus. The Department of Campus Safety has an obligation to enforce the College regulations and to work within the limits of the law.

### **Sanctions for Alcohol and Drug Policy Violations**

As an educational institution, New England College expects its students to behave in a mature and responsible manner. When a student fails to follow the alcohol and other drugs policies, the College considers such a violation to be serious. The sanctions given for alcohol and other drugs violations represent a commitment to providing learning opportunities that will help students to understand the impact of their behavior not only on themselves but also on the College community.

Sanctions for alcohol and drug policy violations will be determined on a case-by-case basis by the nature and severity of the infractions, allegations of other additional policy violations as a result of the incident, and any student conduct history. The following are guidelines only; the College, in its sole discretion, may depart from these guidelines depending on the facts and circumstances of each case. The Classes of sanctions listed below will be used as deemed appropriate by the Student Conduct Officer or Conduct Board. For example, a student found responsible for a serious first-time violation may be issued Class Two sanctions.

#### **CLASS ONE**

- **Conduct Warning.** Notification that the student has engaged in behavior that violates the Code of Student Conduct. The student must ensure that they have no further violations of policy or they will face additional disciplinary action.
- **Educational.** Alcohol or drug reflection and research paper.
- **Supplemental.** Additional sanctions as deemed appropriate by the Student Conduct Officer or Conduct Board.

## CLASS TWO

- **Probation.** Indicates that a student's status as a New England College student is in jeopardy. Any further violation of policy while on probation could result in suspension from the College.
- **Educational.** Alcohol or drug education through the Wellness Center.
- **Fine.** A \$150.00 fine will be assessed directly to a student's account.
- **Parental Notification.** For students under age 21, the student's parent or guardian will be notified of the student conduct situation by letter.
- **Supplemental.** Additional sanctions as deemed appropriate by the Student Conduct Officer or Conduct Board.

## CLASS THREE

- **Suspension.** Separation from the College for a specified period of time. The student may be required to complete certain requirements before being allowed back from a suspension.
- **Educational.** The student will complete an alcohol or drug screening assessment through a College-approved outside resource at their own expense within three weeks and will complete any recommendations within a time period specified by the assessor.
- **Fine.** A \$300.00 fine will be assessed directly to the student's account.
- **Parental Notification.** For students under age 21, the student's parent or guardian will be notified of the student conduct situation by letter or telephone call.
- **Supplemental.** Additional sanctions as deemed appropriate by the Student Conduct Officer or Conduct Board.

### College Alcohol Policy Specific to Residence Halls

1. Consumption of alcoholic beverages or the possession of open containers containing alcohol is prohibited in public areas (e.g., hallways, lounges, outdoor areas, etc.) of any residence facility. Any exceptions to this rule (such as special events, programs, and other social events) must be approved by the appropriate Area Coordinator and the Associate Dean of Students.
2. Alcohol is permitted in student rooms under the following conditions:
  - A. Alcoholic beverages may be possessed and/or consumed (but not sold) in student rooms by those students and their invited guests who are all of legal drinking age (21 or older), as long as at least one resident of the room present at the time is 21 years of age or older.
  - B. Students of legal drinking age may not possess large quantities of alcohol. Students who are 21 years of age (or older) can possess the following amounts of alcohol in a campus residence hall: twelve standard size (12 ounce) bottles of beer, hard seltzer, or malt beverage, OR one quart (32 ounces) of hard liquor, OR one half gallon (64 ounces) of wine.
  - C. Empty alcohol containers can be seen as evidence of past or current alcohol consumption and are prohibited from being possessed by students under the age of 21 without permission/approval for an exception.



- D. At no time are kegs or beer balls (empty or full) and common-source containers allowed in the residence halls.
- E. Damage resulting from any activity involving alcohol will be paid for by the sponsoring person(s) and/or residents of the room.
- F. Anyone allowing underage students to drink alcohol in their residence hall room will be subject to conduct action.

### **Amnesty Policy**

Because the health and safety of students are of utmost importance, students are encouraged not only to look out for their own health and safety but also for that of their peers. It is imperative that someone calls for medical assistance when an individual's health and safety are threatened or appear to be in jeopardy due to severe intoxication or a serious injury after consuming alcohol or other drugs/substances. People may be reluctant to seek help in such alcohol or other substance-related emergencies because of potential College consequences for themselves or the person in need of assistance. Since these emergencies are potentially life threatening, the Amnesty Policy reduces or eliminates disciplinary consequences for students who obtain medical help for an intoxicated student or guest or even for themselves.

This policy is part of New England College's comprehensive approach to reducing harmful consequences caused by the consumption of alcohol or other drugs. The Amnesty Policy represents the College's commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol or substance-related emergency. The Amnesty Policy also provides education for individuals who receive emergency medical attention to reduce the likelihood of future occurrences.

### ***How does Amnesty work?***

Typically, amnesty only applies to the person in need of medical assistance and to those who assist in the seeking of medical assistance. Individuals seeking medical treatment for themselves or for another student in an alcohol-related or drug-related medical emergency will be granted amnesty from sanctions such as status sanctions or fines pertaining to their substance use. Other consequences, such as parental contact and meetings/assessments with Wellness Center staff, may be required. Serious or repeated incidents will prompt a higher degree of concern and response. Note that amnesty also can be applied in cases where a student is making a report that they or another person have been the victim of harassment, physical assault, sexual misconduct, and/or stalking (or other similar situations where someone may have been victimized).

Amnesty only applies to violations of the New England College Code of Student Conduct. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law. Students may not be granted amnesty from sanctions resulting from other policies that they violate while under the influence of alcohol or other drugs, particularly if these other violations involve significant disruption or harm/danger to self or others (e.g., physical assault and sexual assault).

Failure to complete educational assignments or treatment recommendations issued under this policy normally will result in disciplinary action. The student will be responsible for any costs associated with drug or alcohol education interventions.

If a student received amnesty for a prior incident in which they needed attention, the availability of amnesty for a subsequent incident is at the discretion of the Dean of Students or designee. If an individual requires additional emergency medical assistance in multiple situations, it may be a sign that the student is unable to maintain a safe and healthy lifestyle and needs assistance beyond what we can provide at the College. Helpers, or those who seek help for the endangered student, are not limited to only one use of the Good Samaritan/Amnesty Policy. It is expected that members of the New England College community will always make an effort to help a fellow student that is in need even if they have been using alcohol or other drugs themselves.

### **Recognizing Signs of Intoxication/Overdose**

If you drink, or have friends who drink, it's important to know the signs and symptoms of alcohol poisoning. It's not necessary for all of these symptoms to be present before you seek help. Those signs followed by an asterisk may also indicate opiate or sedative/hypnotic drug overdose.

- Vomiting
- Confusion, stupor\*
- Seizures\*
- Slow breathing (less than eight breaths a minute) \*
- Irregular breathing\*
- Blue-tinged skin or pale skin
- Low body temperature (feels cold & clammy to touch) \*
- Unconsciousness ("passing out") \*

Signs of an amphetamine overdose may include:

- Rapid heartbeat
- Increased temperature/sweating
- Behavior changes indicated by increased anxiety, delirium, or psychosis

\*A person who is unconscious or can't be roused is at risk of dying

### **SEEK ASSISTANCE!**

Even if you don't see the classic signs and symptoms but suspect someone has alcohol poisoning, err on the side of caution - seek immediate medical care. In an emergency, follow these suggestions:

- If the person is unconscious, breathing less than eight times a minute, or has repeated and uncontrolled vomiting, call 911. Remember that even when someone is unconscious or has stopped drinking, alcohol continues to be released into the bloodstream and the level of alcohol in the body continues to rise. Never assume that a person will "sleep off" alcohol poisoning.

- Don't leave an unconscious person alone. While waiting for help, turn them on their side; don't try to make the person vomit.

Your assistance and support in helping the College keep you and your fellow students safe is most appreciated.

### **Binge Drinking**

The College is highly concerned with student safety. Because of the risk to students from binge drinking, students with elevated blood alcohol levels or who drink to the point of sickness, disorientation, or a semi-conscious or unconscious state will receive an enhanced response from the College. This may include more substantial educational sanctions, higher status sanctions (e.g., Probation status), and stronger connections with family members or legal guardians.

In addition, intoxicated students who disrupt residential communities with arguments or conflicts, noise, vandalism, and/or vomit left in bathrooms or other areas risk removal from the residential community or the college.

### **Social Gatherings and Social Events That Include Alcohol**

Students who are 21 years of age (or older) may have alcohol served/consumed at gatherings in their residence halls rooms, apartments, or suites as long as:

- Nobody under age 21 possesses or consumes alcohol,
- The occupancy limits for their living space are not exceeded,
- An individual age 21 or older is present at all times, and
- The social gathering does not become disruptive to other persons in the residence hall/house.

### **Campus-Wide Guidelines Regarding Alcohol Use**

- Alcoholic beverages are not allowed in classrooms, lecture halls, the library, or any other academic building unless proper licensing is obtained. Alcohol is not permitted outside of student residences unless proper licensing/permission is obtained.
- Alcoholic beverages are not allowed at any athletic event.
- Alcoholic beverages may not be sold by unit or be made available at any event where admission is charged without an approved New Hampshire liquor license.
- Use or possession of large quantities of alcohol on College property (e.g., beer kegs or other common source containers) without prior authorization is prohibited.
- Games which encourage consumption of large quantities of alcohol are not permitted.

### **Procedure for NEC Students Confronted for Underage Drinking**

When College staff encounter situations involving possibly intoxicated students, an initial assessment of the student's level of impairment will take place based on observations. If the student appears to be highly intoxicated, the Campus Safety Officer will request that the student be evaluated by off-campus emergency medical personnel. Medical decisions made by

the off-campus emergency medical personnel will take precedence over the student and College personnel, including possible transportation to a local hospital or other action.

Students who live in College-owned housing and who are confronted off-campus by Henniker Police are subject to any procedures deemed appropriate and necessary by the Police, including arrest. Students cannot be required to be released to College staff in these situations, and they may elect to be released to another person deemed appropriate by the police officer or they may elect to be brought to the Merrimack County House of Corrections or other holding facility identified by the law enforcement official. Students who do not reside in College housing are responsible for finding a responsible party to whom they can be released.

### **Alcohol and other Drug Education**

Wellness Center

New England College has taken a proactive step in dealing with the issues that alcohol and other drugs can bring to a college campus. All students of the College are made aware of the risks of alcohol and other drug use. Through both education and individual services, we promote healthy lifestyle choices.

### **Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol**

Type of Drug - Drug Name - Common Health Hazards Associated with Use

**Cannabis/Marijuana:** Memory impairment, possible damage to the lungs, heart, reproductive and immune systems. Hashish: also, psychological dependence, hallucinations, panic, and anxiety reactions.

**Stimulants** (drugs that stimulate the nervous system):

**Cocaine:** Intense psychological dependence, sleeplessness, anxiety, sexual impotence, seizures, and lung damage; also, nasal passage damage, tremors, psychosis, depression, stroke, neurological damage, ulcers, high blood pressure, heart disease, liver damage, and death from overdose or nervous system impure supply. There are also serious problems for unborn and newborn infants.

**Amphetamines:** Dexedrine, Methadrine, diet pills, Nicotine: Sleeplessness, anxiety, hallucinations, seizures, brain damage, malnutrition, ulcers, depression, sexual impotence, physical and psychological dependence, heart deterioration, high blood pressure, irregular heartbeat, heart attack, and death from overdose.

**Nicotine:** Cancers of the lung, throat, mouth, and esophagus; also, heart disease and emphysema.

**Narcotics:** Heroin, Morphine, Codeine, Methadone, Demerol: Addiction with severe withdrawal symptoms. Respiratory and circulatory depression may lead to death. Also, vomiting, dizziness, sexual impotence, effects to the immune system, increased blood pressure,

heart failure, infection of the heart lining and valves, skin abscesses, and lung congestion. Hallucinogens PCP, LSD, Mescaline: Anxiety, depression, impaired memory and perception, death from accidents and overdose, altered flashbacks, breaks from reality, violent perceptions of behavior, seizures, stroke, coma, heart, and related lung failure.

**Depressants** (drugs that slow down the central nervous system):

**Alcohol:** Large amounts of alcohol in the system can cause unconsciousness, respiratory depression, and death. Long-term heavy use can cause permanent brain damage, such as memory and the ability to think abstractly. Other complications of alcohol dependence include cirrhosis (liver damage), hepatitis, altered brain cell functioning, nerve damage, gastritis (inflammation of the stomach), premature aging, impotence, infertility, and other reproductive disorders; also, increased risk of heart disease, pneumonia, tuberculosis, neurological disorders, and an increased risk of cancer.

**Barbiturates, Pentobarbital, Secobarbital, Amobarbital:** Addiction with severe withdrawal symptoms. Also, nausea, loss of motor control, depression, seizures, respiratory and circulatory failure, death from overdose, sexual impotence, birth defects, and behavioral problems to unborn infants. Combining with other drugs greatly increases the risk of death.

**Tranquilizers, Valium, Librium, Equinil, Quaaludes:** Psychological and physical dependence, tremors, sexual impotence, and menstrual irregularities. Mixing with alcohol or other depressants may cause death. Overdose may cause coma and death. Death from overdose. There is a severe reaction with alcohol. Causes auto accidents because of faulty judgment and drowsiness. Also, nausea and seizures may result.

**Steroids:** Blood disorders, liver problems, cancers, aggressive behavior, and psychosis.

This is not an exhaustive list of illicit drugs used in society today. The use of inhalants, such as glue and cosmetic sprays, for example, are currently posing serious health risks across the nation. Rohypnol (roofies) and GHB, on the other hand, are deceptively being used to sedate and rape individuals.

### **Low-Risk and Appropriate Uses of Alcohol**

Our health is dependent upon our ability to set standards for alcohol and other drug use and to live by them. There are low-risk and high-risk situations involving alcohol and other drug use. Listed below are some suggestions for setting both personal and group standards around alcohol.

#### **Suggested Standards \***

- The use of alcohol is a personal choice; no one should be pressured to drink or not to drink.
- Alcohol is not essential for the enjoyment of family or social events or for celebrating success.

- Drinking should not be an activity for its own sake.
- The use of alcohol at luncheons or meetings during working hours or the class day should be discouraged. Many companies and institutions specifically prohibit the use of alcohol during the work or school day.
- Excessive drinking that leads to intoxication is neither healthy, safe, nor socially acceptable and can put a person at risk.
- Drunkenness should not be laughed at or taken lightly but should be considered high risk behavior and could possibly be indicative of more serious issues.
- The person responsible for setting up parties or social events is accountable for seeing that alcohol, if used, is used legally, appropriately, and in a low-risk manner.
- Everyone should know their limits and keep themselves in low-risk situations. How much alcohol a person can consume before they become impaired or intoxicated depends upon several factors, including age, body weight, food eaten, gender, and degree of fatigue, strength of drinks, mental state, and menstrual cycle.

\*From the "It's Time to Talk" program published by Hazelden Health Promotion Services.

**Available Alcohol/Drug Counseling, Treatment, and Rehabilitation Programs**

New England College provides counseling and educative services and programs to students who are experiencing substance abuse problems. You may contact the Wellness Center or the Office of the Dean of Students for more information regarding these services.

This policy will be subject to biennial review. Individuals or groups who wish to comment on or to recommend changes to this policy should contact the Office of Dean of Students.

## SECTION IV. OTHER COLLEGE POLICIES

### **Academic Policies**

The Academic Catalog is the definitive statement on academic policies and procedures. Occasionally revisions are made in the policies and procedures after the catalog has been published. If changes are made, there will be a section in the online Academic Catalog that is specific to the adjustments.

### **Classroom Buildings**

Classroom buildings are to be used only for scheduled classes or events. To reserve a classroom, please contact the Events Office.

### **Withdrawals and Leaves of Absence**

Please refer to the Academic Catalog regarding withdrawals and leaves of absence.

### **College Name**

No student, group of students, or student club/organization may use the name of the College in any communication outside of the college or any public forum without prior approval from the Vice President of Marketing and Communications.

### **Communicable Diseases**

#### **1. Introduction**

The general provisions of this policy apply to students, faculty, and staff of New England College unless otherwise directed at a specific group of the institution and noted herein. The policy is based upon the need of the institution to develop systematic approaches for controlling contamination risks associated with the serious strains of reportable communicable diseases ([see this link](#)), to protect the community with prompt notification, and to raise awareness of the communicable disease problem through an effective education program.

As an institution, we are concerned with both the health and safety of the individual and the community. As a result of rapidly changing data, medical research, and shifting public health policies associated with communicable diseases, policies and procedures are intended to be broad enough in scope to account for the general increasing body of knowledge while protecting the individual's rights and those of the community.

#### **2. Evaluation Team**

It is the policy of the College to review cases of serious reportable communicable diseases ([see this link](#)) on an individual basis. An evaluation team will be used to complete assessments based on the latest information available from public health sources.

- A. The evaluation team will be headed by the College’s Medical Director and also will include the Dean of Students (or designee) and other individuals as deemed appropriate.
- B. The evaluation team may consult additional College administrators and health care providers for individual situations as deemed appropriate, within the bounds of confidentiality as indicated by state law and the Family Educational Rights and Privacy Act.
- C. The evaluation team will review the health issues associated with individual cases of serious reportable communicable disease and evaluate potential risks to the individual and the College community. The team's decisions will be based on medical analysis and the individual’s and community’s health and safety.
- D. Team recommendations may include medical care, housing relocation/isolation, academic accommodations, and other actions, as deemed appropriate to protect the individual and the campus community.

### **3. Education**

It is the policy of the College to educate its students, faculty, and staff of the dangers of serious reportable communicable diseases and the latest public health findings as materials become available. The following procedures are a matter of policy:

- A. The provisions of this policy will be distributed among the various constituencies of the College on a regular basis as deemed appropriate by the Dean of Students, Director of Human Resources, and/or Vice President of Academic Affairs.
- B. The Medical Director, under the guidance of the Dean of Students, Director of Human Resources, and/or Vice President of Academic Affairs, will oversee campus education and discussion opportunities on issues surrounding serious reportable communicable diseases.
- C. Precautionary procedures and guidelines for safe handling of blood and body fluids will be provided for personnel from Athletics, Campus Safety, Dining Services, Residential Life and Housing, Wellness, and academic departments offering biological teaching laboratories.

### **4. Reporting**

The College requires cases of serious reportable communicable disease to be reported to the Medical Director within a reasonable period after an individual's diagnosis. In addition, students participating in off-campus College-endorsed educational opportunities (e.g., student teaching, clinical rotations, internships) must report to those in charge of the off-campus site. The Medical Director and the Director of Human Resources will make available a list ([see this link](#)) of what the New Hampshire Department of Public Health considers to be serious reportable communicable diseases.

### **5. Confidentiality**

Confidentiality will be managed under the guidance of all applicable state laws and the Family Educational Rights and Privacy Act.



## 6. Individual Responsibility

It is the responsibility of an infected individual to follow the recommendations of the evaluation team to avoid contact or activity that will facilitate transmission of the disease to other members of the community. Failure to act responsibly will result in disciplinary action and possible removal from the College community.

### **Cyberbullying**

Cyberbullying is the use of electronic information and communication devices to willfully and repeatedly harm a person (or persons) through the medium of electronic text, photos, or videos. Examples of this behavior include but are not limited to:

- Sending false, cruel, or vicious messages,
- Creating websites that have stories, cartoons, pictures, and jokes ridiculing others,
- Breaking into an email account and sending vicious or embarrassing materials to others,
- Engaging someone in electronic communication, tricking that person into revealing sensitive personal information, and forwarding that information to others, and/or
- Posting a student picture without their permission.

Actions of this nature create a hostile, disruptive environment on the campus and are a violation of a student's right to be safe and secure. The College will not tolerate cyberbullying and harassment including but not limited to threatening, harassing, or intimidating an individual, or group of individuals, placing an individual in reasonable fear of harm, damaging an individual's property, or disrupting the orderly operation of the school.

The online activities and technologies often used by students engaged in cyberbullying include, but are not limited to, social networking sites, chat rooms and discussion groups, instant messaging, text messaging, computers, cell phones and personal digital devices, digital cameras, cell phone cameras, and webcams. As new technologies emerge, they too may be included with the above forms of electronic communication.

Any disciplinary actions taken by New England College do not shield the harasser(s) from any criminal actions that may be taken against them.

### **Demonstration**

Several principles basic to our College community are enumerated below and serve as a summary of the College's position concerning freedom of expression and dissent:

- A. Free inquiry and expression are elements in the achievement of the goals of this academic community.
- B. Responsible dissent is to be encouraged as one of the means of discovering truth.
- C. Any effort to limit freedom or openness in this academic community is a matter of serious concern because it is against the freedom of expression.

- D. Thus, all members of the community are free to express, through orderly means, their point of view on any issue or decision. They are also expected to help guarantee the right of others to free movement about campus and free expression of their concerns.

The College would make clear to all members of the community that any group or individual has the right to free expression and presentation of its, or the individual's, point of view. No group or individual has the right to interfere with the movement or functions of other authorized persons and groups. Students must take upon themselves the responsibility for seeing that reasonable order and decorum are maintained in any demonstration or counterdemonstration. Where the interests of two groups come into conflict, it is the responsibility of these groups, working as necessary with the Dean of Students, to establish guidelines for their behavior.

The College has a responsibility to protect its guests from mistreatment or danger and expects student cooperation in exercising that responsibility. Since it is difficult to detail what the College's responsibilities would require of a given group in any particular situation, and because of the possible unforeseen consequences of demonstration activity, groups or individuals planning demonstrations are encouraged to inform the Dean of Students of plans before the event.

It must be understood that those who do not abide by specified limitations placed upon their activity, or who ignore generally accepted standards of conduct, are subject to conduct charges. Such action would be taken through the procedures that normally handle discipline cases, namely the Office of Student Conduct.

### **Discriminatory Harassment**

New England College seeks diversity in its community members and places high value on inclusion for and appreciation of differing backgrounds, lifestyles, and points of view. The College supports regular ongoing efforts at achieving high levels of acknowledgement and appreciation of differing points of view and freedom of expression through educational programs, advising, counseling, and conciliation. The College also stands ready to protect the educational process by initiating a conduct process for those persons who engage in discriminatory harassment or intimidation.

Discriminatory harassment or intimidation of persons by members of the College community is an anathema to the educational environment of New England College and, therefore, individuals who engage in such behavior will be subject to conduct charges.

Discriminatory harassment or intimidation is any behavior (verbal, written, graphic or physical) that stigmatizes or victimizes an individual on the basis of race, ethnicity, religion, sex, sexual orientation or identity, gender identity and expression, creed, national or ethnic origin, ancestry, age, veteran status, marital status, or physical or mental disability and that:

- Involves an expressed or implied threat to an individual's academic efforts, employment, participation in College sponsored activities, or personal safety, and/or
- Creates an intimidating, hostile, or demeaning environment for educational pursuits, employment, or participation in college sponsored activities.

Such behavior includes, but is not limited to:

- Objectionable and/or inflammatory epithets which are directed to an individual or group.
- Demeaning depiction or treatment- including mockery, appropriating cultures, stereotyping.
- Threatened abuse or actual harm, whether it be physical or verbal.
- Any behavior that creates an offensive, intimidating, hostile, or demeaning environment for an individual or group of individuals in person or electronically. Instances of the aforementioned behavior should be reported to the Dean of Students (or designee) and will be investigated and may be addressed by the conduct system or via an employment action. Community members are encouraged to report this type of incident whether as the victim or as an observer. Reports can be submitted through the Office of Campus Safety. Anonymous reports may not be able to be investigated thoroughly depending on information available.

The College urges reflection on the impact of such incidents on an individual, on the group that individual may represent, and on the community as a whole. While the intent of an action may not have been to cause harm, the impact may be what is addressed.

Resident students are free to express themselves by decorating the outside of their doors as well as the inside of their rooms. Decorations that are part of common and public areas must follow the guidelines prescribed for preventing a hostile environment. Decorations that stigmatize or victimize individuals or create a hostile environment for individuals are a violation of our Code of Student Conduct. Such content includes, but is not limited to:

- Objectionable epithets which are directed towards an individual or group and inflammatory,
- Demeaning depiction or treatment,
- Threatened abuse or actual harm, and/or
- Any decorations or displays that create an offensive, intimidating, hostile, or demeaning environment for an individual or group of individuals.

### **Discriminatory Harassment Complaint Procedures**

***Purpose of Complaint Procedure:*** To determine whether discrimination on the basis of race, ethnicity, religion, sex, sexual orientation, gender identity and expression, creed, national origin, ancestry, age, or disability has occurred; and if it has, to determine what constitutes an appropriate remedy for the complainant.

**Informal Complaint Procedure:** The informal part of this procedure is an attempt to resolve individual complaints through an informal process involving the administrative personnel most directly concerned with the issue.

**Step 1:** Complaint is taken to the supervisor of the area where the problem is perceived.

**Step 2:** If complaint is not solved at Step 1, the next step will be to take complaint to the Dean of Students (or designee) or to the Office of Human Resources.

**Step 3:** If complaints cannot be satisfactorily solved at the previous two levels, concerns can be taken to the individual responsible for directing the College's Affirmative Action Program located in the Human Resources Office.

**Formal Complaint Procedure:** If complaints cannot be solved through the informal process, the complainant should proceed through a formal process. This part of the process involves the use of established processes to determine if discrimination has occurred and, for students, would involve a student conduct process described in the Code of Student Conduct.

**General Guidelines:** Formal complaints will be in writing and must state the nature of the complaint, including the alleged violation, the contention of the complainant, and the outcome sought. The complaint will be presented to the Affirmative Action Officer.

**Formal Hearing Process:** In cases where a New England College student has been accused of violating this policy, all formal complaints will be addressed through the student conduct process as described in the Code of Student Conduct. In cases where the accused is an employee of New England College, the process will be coordinated by the Office of Human Resources or the Executive Vice President/CFO.

### **Drones and UAVs Policy**

The operation of a drone or UAV (unmanned aerial vehicle) over New England College property is prohibited in the absence of approval by the Dean of Students or designee. In order to obtain approval for the operation of a drone or UAV over college property, the operator must request in writing with the Dean of Students or designee at least 48 hours prior to the planned operation.

The written request must include the following information:

- Date, time, and location of the operation,
- Purpose of the operation,
- Equipment to be used,
- Identity and contact information for the operator, including FAA license, and
- Data to be collected.

The proposed operation must not pose an unacceptable threat to safety, privacy, or the environment. Approval, once given, may be rescinded if it is determined that the information provided is incorrect or incomplete or if circumstances have changed and a determination is

made that the planned operation is not in the community's best interest. New England College also reserves the right to immediately order the cessation of any operation which is deemed to create a hazard or interference with any campus equipment or activity.

### **Equal Educational Opportunities**

New England College is an equal opportunity/affirmative action employer.

New England College prohibits discrimination on the basis of race, color, creed or religion, national origin, sex, sexual orientation, gender identity and expression, age, marital status, pregnancy, veteran's status or disability in regard to treatment, access to or employment in its programs and activities, in accordance with federal and state laws and regulations. In compliance with the Americans with Disabilities Act (ADA), individuals with disabilities needing accommodation should contact the ADA compliance officer.

New England College seeks to provide equal opportunity in all conditions of employment and to create an environment that welcomes, supports, and celebrates diversity. Whenever an imbalance is found to exist, the College will make good faith efforts to recruit, hire, and promote persons under-represented in the workplace.

### **Fire Safety Information and Policies**

#### **Fire Evacuation**

At the beginning of the academic year, all residential students will receive fire and evacuation training information from their Residential Life and Housing Staff in conjunction with the Department of Campus Safety.

Fire evacuation drills will be held in all College-owned and operated residence halls periodically during each semester. These drills are designed to familiarize residents with the procedures to be followed during an emergency. Failure to evacuate is a violation of New Hampshire State Law and may result in civil action. Students failing to evacuate promptly or found to be reentering the building during an alarm will be subject to a \$100.00 fine and probationary disciplinary status. A second offense may lead to an interim suspension from the residence halls.

Make a plan for escape. Become familiar with your surroundings and identify at least two ways to get out of your building in case of fire/evacuation. Take special note of the location of fire safety equipment.

#### **Discover Smoke or Fire**

If you see fire or smoke, immediately sound the building alarm by activating a pull station as you are LEAVING the building. This will warn other occupants to evacuate the building as well.

The alarm will send a message to a dispatch center who will inform the New England College Department of Campus Safety of the alarm.

### **Building Alarm Sounds**

If you hear a building alarm, exit the building immediately and report to your predetermined meeting area (as instructed at beginning of semester by RA). Once outside, stand clear of the building to allow fire fighters access. No one will be permitted to re-enter the building for any reason until the fire situation has been handled and a Safety Officer has instructed that re-entry is allowed.

### **In a Burning Building**

- Go to your nearest exit and evacuate the building.
- Close all doors behind you.
- DO NOT use Elevators!
- Feel door for heat before opening. If it is hot, do not open the door. Try another exit.
- If you are in a smoke-filled area, keep low to the floor to escape the smoke.
- A damp cloth used to cover your mouth and nose will make breathing easier.

### **If you are confined to your room**

- Open your window slightly if there is not smoke outside.
- Signal rescuers by waving a sheet or clothing out your window and call for help.
- Telephone with your location, if possible.
- Seal cracks around door with tape, clothes, sheets, etc. to prevent smoke from entering.
- If your clothing catches on fire, "Stop, Drop and Roll!" Running will feed the fire.
- Use a blanket, coat, etc. to smother the flames on another person and drop them to the floor and roll them to smother fire.

### **Fire Fighting**

Fire Extinguishers are located throughout all campus buildings. Extinguishers should be used to fight a fire only.

### **False Alarms**

It is a violation of local and state law and College policy to cause a false alarm. Anyone found responsible for falsifying a fire alarm (either a smoke detector, alarm, or a pull box) may be subject to a \$500.00 fine, suspension/disciplinary action, and whenever possible, civil action. Please help eliminate the dangerous practice of false fire alarms. Report any information related to a person falsifying an alarm to Campus Safety. Investigations of every false alarm are conducted. Any information is greatly appreciated.

### **Misuse of Equipment**

Misuse of ANY Fire/Life Safety Equipment may result in a Life/Safety charge of \$500.00 and will result in disciplinary actions. Fire/Life Safety Equipment includes, but is not limited to: pull stations, fire extinguishers, smoke detectors, heat sensors, alarm panels, emergency lights, and

exit lights. Report any damaged or missing extinguishers, alarms, smoke detectors, emergency lights, or exit signs to your Resident Advisor or Area Coordinator.

### **Fire Doors/Exits**

Fire doors prevent fire and smoke from spreading and provide a safe escape route. Fire doors must be closed at all times and should not be "propped" open. Fire door windows should remain uncovered at all times. Anyone found responsible for propping doors may receive a Life/Safety fine of up to \$500.00.

Never block access to fire doors, exits, or fire escapes. Keep hallways and stairways free from obstructions at all times. Trash, boxes, furniture, bikes etc. should be stored appropriately and should not be placed in these areas.

### **Smoke Detectors**

In an effort to alert residents, each resident hall room is equipped with a smoke detector. Each detector is inspected and maintained regularly. However, they occasionally malfunction and sound an alarm or a beeping sound for no apparent reason. Should this happen, call a Residential Life and Housing staff member or member of Campus Safety. Do not disconnect detectors. Do not cover or block smoke detector at any time. A student found responsible for covering smoke detectors will be fined \$500.00.

### **Hazing**

New England College supports the State of New Hampshire law and does not condone or tolerate any acts of hazing. Any such acts, on or off College premises, which interfere with normal College activities, academic or nonacademic, are expressly forbidden. In accordance with the New Hampshire hazing law, New England College will report any incidents of hazing to the proper legal authorities.

### **Definition**

Hazing is defined as any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act when:

- Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person, and
- Such act is a condition of initiation into, admission into, continued membership in or association with any organization.

### **Policy**

- A. A person is responsible for a violation of the hazing policy if such person:
  - a. Knowingly participates in any student hazing; and/or
  - b. Being a student, knowingly submits to hazing and fails to report such hazing to the Dean of Students and/or Director of Student Conduct; and/or

- c. Is present at, or otherwise has direct knowledge of, any student hazing and fails to report such hazing to the Dean of Students and/or Director of Student Conduct.
- B. An organization is guilty of hazing if it:
- a. Knowingly permits or condones student hazing; and/or
  - b. Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent student hazing; and/or
  - c. Fails to report to the Dean of Students and/or Director of Student Conduct any hazing reported to it by others or of which it otherwise has knowledge.

### **Consent**

The implied or express consent of any person toward whom an act of hazing is directed will not be a defense in any action brought under this section.

### **Implementation**

Any infraction of the New England College Hazing Policy by students, groups of students, or student organizations will be adjudicated through established Student Conduct System procedures.

### **Respiratory Virus Guidelines**

The following Respiratory Virus Guidelines are effective as of August 1, 2024 and are intended to be in place continuously moving forward. As always, the College continues to monitor public health threat trends both on- and off-campus and will continue to model its planning utilizing guidance from the Centers for Disease Control and Prevention and the New Hampshire Department of Health and Human Services. In the event the guidelines below need to be amended, we will notify the community and post updates on the NEC website at: <https://www.nec.edu/covid/>.

### **Move-in Process**

There is not a respiratory virus testing requirement as part of the move-in process. All students are encouraged to take the appropriate precautions if they have symptoms of upper respiratory illness on the day they plan to return to campus. This may include wearing a mask, using good handwashing, and avoiding close contact with others as much as is possible. In the event, you have significant symptoms of illness and fever over 101.5 F, we ask that you contact admissions for an alternative arrival plan.

### **Respiratory Virus Testing During the Semester**

During the academic year, students will have the following options for testing:

- COVID-19 testing kits are still available for purchase at the local pharmacy and via online retailers like Amazon.com.
- Any student who has respiratory virus symptoms can contact the Wellness Center on campus by email at [WellnessCenter@nec.edu](mailto:WellnessCenter@nec.edu) or by phone at 603.428.2253. Wellness



Center staff will assess and may test for COVID, Influenza, or Strep throat as part of a medical evaluation.

### **Vaccination Requirements**

Covid-19 and Influenza vaccines are not required to attend in-person classes. The college does HIGHLY recommend that all community members stay up-to-date with COVID-19 and Influenza vaccinations as per current CDC guidelines.

Students who are in an academic program or course that involves a clinical rotation, student teaching/methods, or an internship are still expected to comply with any testing or vaccination requirements set forth by their work site. New England College requirements would not supersede any expectations your off-campus employer would have.

### **Isolation for students who test positive for a respiratory virus**

New CDC guidelines treat COVID-19 infection similarly to Influenza or other upper respiratory infections.

- Students are no longer required to isolate for 5 days. Instead, students who test positive for a respiratory virus are encouraged to stay out of class and group settings as much as possible until their symptoms begin improving and they do not have a fever for 24 hours without fever-reducing medications.
- All students are permitted to stay in their own room while they are having the worst symptoms and/or fever, and are recommended to wear a well-fitting mask in all campus buildings if they need to leave their room during this time.
- Students who are feeling improved and fever-free for 24hrs who are returning to class and campus activities are recommended to wear a mask through the 5th day after their symptoms began.
- Students are not required to re-test for return to campus activities after testing positive for a respiratory virus.
- The college will maintain access to isolation housing for students in non-single rooms who live further than four hours away who need to isolate outside of their regular campus housing due to extenuating illness or circumstances. These decisions will be made jointly by the involved parties, the Wellness Center, and the Dean of Students. Commuter students who need to isolate for any reason will be expected to complete their isolation off campus.

### **Exposure to a sick person**

Physical quarantine and mask-use for asymptomatic persons who are a close contact to a COVID-19 or Influenza-positive person is not required at this time.

### **Mask Usage**

While there is no general requirement for all persons to wear masks in college buildings, mask wearing is recommended under the following circumstances:

- Masks should be worn in the office of any staff or faculty member who asks persons to wear masks in their office

- Masks should be worn in classrooms if the faculty/instructor asks that they be worn during class sessions
- Students who tested positive for COVID-19 or Influenza are recommended to wear a well-fitting mask in all campus buildings through their 5th day after the initial test.
- Students with symptoms of respiratory illness that are not improving or who also have fever over 101.5 F should wear a mask when they cannot avoid being close to other people.

The College recognizes that some persons may choose to wear masks as a precaution, and we support this individual choice. Community members are asked to respect this choice.

### **Temporary Remote Status**

Remote status in classes and the terms for addressing missed work due to illness will be determined by the faculty member, the student, and the student's advisor as needed.

### **Smoking/Vaping**

Smoking/vaping is prohibited in all College buildings, including residence halls, offices, hallways, waiting rooms, restrooms, lounges, lunchrooms, meeting rooms, and all community areas including the porches at the main entrances to the buildings. This policy applies to all students, employees, and visitors.

Smoking is defined as inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana. Smoking also includes the use of electronic smoking devices that create aerosol or vapor in any manner or form. An "electronic smoking device" is a product containing or delivering nicotine or any other substance intended for human consumption that can be used to simulate smoking through inhalation of vapor or aerosol from the product. "Electronic smoking devices" include but are not limited to e-cigarettes, e-cigars, e-pipes, e-hookahs or vape or vaporizer pens.

Note that community members may possess nicotine/tobacco items on campus, but use is strictly prohibited inside any College buildings. Any student caught smoking/vaping within a College building may be fined up to \$500.00. Due to health and safety concerns, campus community members who choose to smoke nicotine/tobacco products on campus must stay at least 25 feet from the entrance to any building when smoking/vaping. Proper disposal of cigarette butts and other trash is required. Smoking marijuana and/or other controlled substances is prohibited.

### **Weapons**

The NEC community is one that should feel safe and welcoming to all students. Accordingly, the College restricts the possession of weapons on campus. The possession of weapons on

campus is disruptive to the College community and poses a risk to the health and welfare of College community members.

The term "weapon" includes, but is not limited to, the following:

- **Firearms of any kind**, with the exception of weapons carried by off-campus law enforcement officials in the course of their duties,
- Bows, crossbows, arrows, and crossbow bolts,
- Knives with blades longer than 3 inches, with the exception of knives expressly made and used for food preparation,
- Martial arts weapons, including but not limited to throwing stars and nunchakus,
- Airsoft, pellet, paintball, and BB guns,
- Paint balls, BB pellets, and air pellets
- Bows and arrows,
- Metal knuckles,
- Sling shots,
- CO2 cartridges,
- Electronic control devices/tasers,
- Live and used ammunition, and/or
- Replicas of firearms.

Replicas of firearms, including air soft guns and paintball guns, can cause the same alarm and disruption as actual firearms and also can present a risk of harm to the owner and other community members. As a result, these items are prohibited on campus property at all times. Any item that is brandished as a weapon will also be treated as a violation of College policy, including (but not limited to) brandishing of a pocket knife or holding a hand under clothing to simulate a weapon. Propellant sprays used for personal protection and self-defense purposes are allowed on campus; however, misuse of these items will be considered a violation of this policy.

## **SECTION V. RESIDENTIAL LIFE AND HOUSING INFORMATION AND POLICIES**

Residential Life and Housing does not discriminate in its application, assignment, or conduct procedures; in access to its programs or activities; or in treatment or employment of individuals on the basis of race, color, creed or religion, sex, age, national origin, sexual orientation, gender identity and expression, ability, veterans' status, or marital status.

### **Welcome**

Welcome to New England College on-campus living! We hope that during the coming years you will take advantage of the opportunity to become a productive and responsible member of our residential community. The College believes that living on campus is a valuable part of an overall college education that contributes to a student's sense of self and identity. Students who live on campus gain independence and develop lifelong relationships. Living on campus requires a commitment to basic principles including:

- Consideration for the rights of others for privacy and quiet
- Respect for the community and for others' personal belongings
- Discussion of differences with roommates or neighbors in a timely and constructive manner

New England College offers you a living experience based on a community structure that supports the College's commitment to a culturally diverse residential environment. In order to maintain a strong community with an atmosphere conducive to academic excellence, there must be guidelines for appropriate behavior. These guidelines encourage student accountability and responsibility and have been established with the intention of benefiting the community as a whole. Students are responsible for reading, knowing, and abiding by all College policies and procedures, including those stated in this handbook and on the housing contract. Students who choose not to read the handbook, the housing policies, and email correspondences sent to their NEC email account still will be held responsible for knowing and following all policies. The staff encourages residents to be responsible and independent in their living areas. Individuals are expected to take responsibility for creating and preserving a positive community. Residents are expected to respect the rights of others, to be considerate, to take care of property, and to act as responsible adults in the community.

### **Residential Life and Housing Staff**

Residential Life and Housing is responsible for developing and implementing the New England College housing policies. The office includes an Associate Dean of Students, two Assistant Directors, live-in professional Area Coordinators (ACs), and Resident Advisors (RAs). Students can contact Residential Life and Housing by email at ResLife@nec.edu or by phone at 603-428-2242. During the academic year, Residential Life and Housing in Simon 312 is open Monday through Friday from 8:30 a.m. to 5:00 p.m. The staff strives to provide assistance, offer educational opportunities, and answer questions regarding housing issues. Students are encouraged to stop by and meet the various staff members who supervise their areas and become familiar with Residential Life and Housing staff. Resident Advisors (RAs) are on duty

Sunday through Thursday from 7:00 p.m. to 8:30 a.m. each night and have 24-hour shifts on Friday and Saturday.

RAs are upperclass students who have successfully completed extensive selection and training programs. Their primary role is to work with you as a peer advisor to make your stay in on campus housing a positive living and learning experience. Your RA is available to:

- Help students meet other residents and build a community within each living environment,
- Provide support with social, personal and other issues,
- Assist in the resolution of conflicts with room/suite/apartment mates,
- Plan activities to address students' needs and interests,
- Uphold the rules and expectations of the Code of Student Conduct and Residential Life and Housing policies and procedures,
- Educate residents regarding academic programs, career services, health services, counseling services, intramurals, and other campus resources,
- Enforce safety and security measures in cooperation with Campus Safety, and
- Assist the AC with administrative tasks such as conducting health and safety inspections.

Area Coordinators and RAs are considered College officials. Any student who interferes with an AC or RA in the course of completing their job responsibilities or fails to comply with requests made by Residential Life and Housing staff may be referred to the Office of Student Conduct.

### **Student Rights**

As a resident of New England College housing, you are entitled to specific and individual rights that should be respected by your roommates/suitemates, by those living around you and by the College. These rights are balanced by reciprocal responsibilities, which all students must uphold to maintain the residential community. As a resident, you have the right to:

- Sleep and study in your room free from undue interference,
- Have control over your personal belongings,
- Have free access to and from your place of residence,
- Enjoy a clean, safe environment in which to live,
- Entertain guests when it does not infringe upon roommate, community rights or conflict with housing policies,
- Confront another's behavior when it infringes upon your rights without fear of retribution,
- Be free from all forms of intimidation, including verbal, physical, and/or emotional harm,
- Bring forward issues and grievances,
- Seek aid of staff in resolving conflicts, and
- Be afforded due process.

### **Community Standards**

At the beginning of each semester, students will be expected to participate in a suite/floor/apartment standards meeting facilitated by an RA where agreements will be made by the

residents concerning how floor/suite/apartment mates will relate to and treat each other. Community members will create a list of agreements made by members of their community so that individuals will begin to form a community through dialogue, compromise, and commitment. An important aspect of community standards is discussing and deciding how to enforce the agreements. Discussing the issue of responsibility and accountability of each floor/suite/apartment member can be challenging. The thought of holding someone accountable can be equally difficult; however, with the assistance of the hall staff, each member of the community will be able to be an active participant in crafting the community standards of the floor. Students who choose not to be an active participant in creating the community standards are still responsible for knowing and following the community standards set for each floor.

### **Roommate Agreements**

Within the first few weeks of classes, first-year students will complete a roommate agreement with the assistance of their RA and AC. While the community standards apply to the entire suite/floor/apartment, the roommate agreement is a separate document that opens the door for communication between residents sharing the same room. Many incoming students have never had to share a room with another person, so the agreement serves to facilitate open dialogue between roommates. In the event of a conflict, the agreement will be used to remind roommates of the values and guidelines they chose to uphold. If the agreement needs to be adjusted or changed, roommates will meet with their Area Coordinator to complete a new roommate agreement.

### **Housing Eligibility and Assignments All Students**

New England College requires all students to live on campus for the first six semesters they are a student. Students who are 23 years of age or older by August 1 of the upcoming academic year, veteran status, married, have a child, have an approved accommodation from the Office of Disability Services, or wish to live with a parent/guardian at a permanent home address within a preapproved commuter town may be exempt from the housing requirements. For students wishing to commute from a permanent address within a preapproved commuter town, the College considers the permanent address to be the same address that is used for tax purposes and the address that was provided to the College at the time of admission. If a permanent address is changed after a student has been admitted, a copy of a parent/guardian driver's license or other proof of residency with the new address will be requested to confirm a new permanent address. Students who are 23 years of age and older are not guaranteed housing. Housing for students over the age of 23 is provided on a case-by-case basis depending upon availability.

### **Assignments Process – Incoming Students**

Housing is assigned for the full academic year. In the event that a student submits a housing contract after College housing is filled to capacity, the student will be placed on a waiting list in order of the date on which the contract was received. If residence halls are filled, we reserve the right to place students temporarily in overflow accommodations until standard occupancy space is available.

### **Assignments Process - Returning Students**

Housing is assigned for the full academic year. Returning students participate in the housing selection process in the Spring semester to request their housing for the following year. Students may be required to be registered for fall classes before housing selection to be eligible to participate and be assigned a room for the following academic year. Once a student has been assigned a room and signed a contract for the following academic year, that contract is considered a binding agreement unless the student withdraws from the College or is approved to be off campus as part of an accommodation. Students who have not fulfilled their 3-year, on-campus requirement will be assigned a room and assigned a 300-block meal plan if they choose not to participate in room selection. If a student has not fulfilled their 3-year residency requirement and they are assigned a room and a meal plan even though they have not signed a contract, they are required to adhere to the policies and regulations as if they signed the contract. Signing an off-campus lease does not absolve a student of the first 3 years or 6 semesters on campus residency requirement.

### **Break Period Housing**

During break periods when there are no in person classes, all residential facilities are closed. Any request to stay in the residence halls when the College is closed must be approved PRIOR to the break period by the Associate Dean of Students. There may be an additional charge for staying late with approval and if a student is found in a room without approval. In addition, any student found in a residence hall without permission after the halls closed will be subject to conduct charges.

### **Housing and Meal Plan Contract**

All students living on campus must sign a housing and meal plan contract prior to moving into their assigned room. All students are responsible for abiding by all College policies and procedures, including those stated in this handbook and on the housing contract. Gilmore Dining Hall provides cafeteria style service. Students may use their meal plan allowances or pay in cash. “To-go” food and beverage options are available in the Café in the Simon Center and at the Starbucks Café in the John Lyons Center. Students may use their Flex Cash or pay in cash at either café. All meals and food on campus are planned and prepared under supervision of a contracted food service provider.

### **Flex Cash**

Each meal plan includes a starting balance of flex cash. The amount is added to each student’s I.D. card and may be used at Gilmore Dining Hall, the Starbucks Café, or the Simon Center Café to purchase food, beverages, or for a guest. Any unused Flex Cash from the fall semester will “roll over” into the spring semester. Any unused Flex Cash funds will NOT roll over from the spring to the fall semester and will be lost at the end of the spring semester. If a student withdraws or is discontinued from the College or from the meal plan, any unused flex cash is not refundable.

### **Housing Contract Termination**

The College may terminate the housing agreement and take possession of a room at any time for violation(s) of: the terms and conditions of the Housing Contract, health and safety reasons, failure of the student to contract for or continue on the board plan without authorization, failure to be registered as a full time student, failure to pay tuition or room and board costs, or violations of published College policies as outlined in the Code of Student Conduct. Upon withdrawal or formal suspension/expulsion from the College, students must remove all personal belongings from their room within 48 hours or within other established deadline, as determined by the Office of Student Conduct or the Dean of Students Office. Students must return any College issued keys, sign the express checkout card, or check out with the appropriate residence hall staff within 24 hours of their last academic requirement or by 7:00 p.m. on the last day of final examinations, whichever comes first.

### **Housing Contract Release Process**

The housing contract is binding for the entire academic year. In the event that a student has an extenuating circumstance and wishes to break the housing and meal plan contract, the student may petition for release from the contract. The student must submit a housing petition form to Residential Life and Housing. All petitions are reviewed by the Associate Dean of Students and any other College official who may have information to help support the student's reason for breaking the housing contract. Once a decision has been made, it cannot be appealed.

### **Late Arrival Occupancy**

A student planning to occupy their room after the opening of the residence halls should notify Residential Life and Housing in writing prior to their assigned arrival date. A room will not be held later than the first day of classes unless the student has notified the Office of their late arrival. Failure to do this may result in a loss of the original room and assignment to a new room. Any student who does not withdraw from the College by 5:00 pm on the first day of classes will be charged the full cost of the room and full cost of the meal plan for the entire semester.

### **Administrative Moves**

The College expressly reserves the right at any time during the academic year for the Dean of Students, or their designee, to reassign a student to another housing accommodation for any reason including, but not limited to, safety and security measures, maximum utilization of the College's housing facilities, or conduct related issues. Charges may be decreased when reassignments are made but not increased without the agreement of the student affected, unless the reassignment is a room change initiated by the student. All available measures will be taken to ensure that the student is given adequate time to move, but establishing this time frame for such administrative moves is the sole responsibility of the Residential Life and Housing administrator involved in the situation. Failure to comply with such requests may result in student conduct action and removal from College housing with no refund of housing or meal plan charges.



### **Room Entry**

The College respects each student's right to privacy. There are, however, times when it is necessary for the college to enter your room without your consent. The most common times the College will enter your room without your consent are:

- Opening and closing inspections.
- Health and safety inspections.
- During fire drills and fire alarms.
- Maintenance/custodial services.
- There is reason to believe there is a threat to the health, welfare, or safety of any person or property.
- There is a reason to believe a violation of College policy is taking place or has taken place.
- For nuisance noise (e.g., alarm clock going off, unattended music/tv).
- If there is a vacancy in your living unit and Residential Life and Housing staff need to check the condition of the room in order to assign a student to the vacancy.

The above list is not all inclusive. There may be additional times when a College official may enter your room if he/she deems it essential to the operation of the building. The College may restrict a student's entry to a room or apartment at any time as a result of violations of College policy/policies, or for health, safety, or financial reasons.

### **Room Search**

Additionally, the Dean of Students (or designee) may authorize a room entry and subsequent room search without the consent of the resident(s). A Dean-authorized search must be based on reasonable suspicion that a College rule or regulation has been violated. Examples of items or circumstances prompting a Dean-authorized search may include (but are not limited to) suspicion of the following: weapons, stolen property, illicit drugs/paraphernalia, or imminent harm including self-harm) to a student. When possible, room resident(s) may be present to observe a room search. However, College officials may conduct a detailed room search in the student's absence. All detailed searches will be conducted by at least two NEC staff members, at least one of whom will be a member of the College's Professional Administrative Staff or Campus Safety. When possible, room entry, inspections, and authorized room searches will not be conducted under the direction of police or on their behalf. When a College official enters a student's room, the staff member is authorized to conduct one of two types of searches: a plain-view search or a detailed search of the room.

A plain-view search involves the observation of items and persons in the sight of a staff member and does not involve opening or moving any items within the room (drawers, bed, refrigerator, etc.). This plain-view search is intended to look for health or safety issues, to check on the welfare of room occupant(s), and/or to determine if a policy violation has taken place. If prohibited items are found as a result of a room entry or a plain-view search, a detailed inspection may then be conducted.

A detailed search of the room involves items in a room potentially being opened or moved so that a thorough search can take place. In order to uphold the basic responsibility of the College regarding policies, safety, and maintenance, during a detailed search, College officials reserve the right to inspect both College and personal property (e.g., refrigerator, drawers, a locked safe, storage boxes, suitcase, backpack). The staff member(s) may request a student to assist with opening of personal items that are included in the inspection, but these items may also be opened without the student's consent.

### **Health and Safety Inspection**

New England College takes student health and safety seriously and has established guidelines for students living in campus residence halls. The College's policies are based on the fact that unhealthy conditions are preventable and it is the responsibility of all members of the College community to maintain a healthy living environment. Students are required to read and comply with all community standards, which includes periodic health and safety inspections.

Responsibility for complying with health and safety inspection requirements rests solely with each resident.

Any unauthorized appliances, lamps, candles, ceiling hangings, and other health and safety hazards and policy violations may be removed from the room by Residential Life and Housing staff or Campus Safety staff during a health and safety inspection. Residents who fail the inspection may face disciplinary or misconduct charges. Failure to maintain each residential area in a satisfactory condition could result in a student conduct violation. In addition, residents will be assessed for damages found during inspections. Staff will conduct follow-up visits to ensure problem areas are corrected. The College reserves the right to retain confiscated items if they represent a danger to persons or property, or if those items are not legal for the resident(s) to possess. The College ultimately may return some confiscated items if possession of those items is not a violation of local, state, or federal law. The return of the items may be delayed until a student is leaving the campus for a break period. In some cases, prohibited items may be confiscated and handed over to the local police department, and information about those confiscated items may be used in College conduct processes. In the event that an item in a student room cannot be opened during an inspection (e.g., a safe or lockbox), the item may be confiscated by College staff. If a student chooses not to assist College staff with the opening of a locked item, the College reserves the right to open these items without a student's consent; this includes breaking locks if necessary, and the College will not be held financially responsible for damage to the locked item or the lock itself. The College will not be held liable for any damage to confiscated items.

### **Consequences for failed health and safety inspections:**

- *1st Failure* - Student(s) who fail their health and safety inspection will receive an email notification outlining the reason(s) the room failed the inspection and may include instructions to rectify any ongoing issues. A follow-up inspection will be performed after 24 hours of the inspection, but before 3 business days.

- *2nd Failure* - A second email notification will be sent to the student(s) of the room, outlining the reason(s) the room failed the inspection and may include instructions to rectify any ongoing issues. Students who fail their second inspection will be referred to the student conduct process and will be scheduled to meet with a conduct officer.
  - If a student is found responsible for violating NEC policies after meeting with a conduct officer, the student will receive a follow-up letter outlining the decision and any sanctions. If the health and safety concerns have not been resolved, a follow-up inspection will be performed at least 24 hours after the follow-up letter has been emailed to the student.
- *3rd Failure* - Students who fail their third inspection will be referred to the Director of Student Conduct. Students who are found responsible for violating NEC policies may receive educational sanctions, a fine from \$50 to \$150, and may be subject to additional inspections.

Students who are suspended will not receive a prorated refund of room or board charges for the remainder of the year.

As per the contract, students suspended for repeated health and safety violations in the fall semester will be charged the cost of the room and meal plan for the spring semester as well.

### **Consolidation**

When the number of vacancies in any residential area reaches a determined level, Residential Life and Housing will implement its consolidation policy. Students may be asked to move out of a given area or may be required to move to a different assignment. Students not complying with the consolidation policy will be assessed an additional room charge and may face a referral to the Office of Student Conduct.

### **Room Changes**

Room changes will not occur during the first two weeks of the semester, except in rare and extenuating circumstances. There is a two-week housing freeze at the beginning of each semester for routine changes. Students who desire a room change must contact the appropriate Area Coordinator or RA. When appropriate, mediation between room/suite/apartment mates may be required before a room change is granted. All room change requests are subject to approval based on space availability. Students who move into a new room without permission from Residential Life and Housing will face conduct charges and be required to move back to their original room. If there is a vacancy in your living unit as the result of a room change, Residential Life and Housing reserves the right to check the condition of the room and to assign a student to the vacancy. Students are expected to maintain a prepared vacancy in the living unit. Any student involved in an unauthorized room change, or who fails to maintain a prepared vacancy, may be charged a minimum of \$150 in addition to possible conduct action. Students who request a room change more than 30 days after the first day of the semester and/or more than once per semester are subject to a \$150 room change fee per move.

### **Removal from Housing**

When it becomes clear that a student has caused extensive and/or repeat damage to College property, or if a student has repeat conduct violations, or a student is a disruption in any way to the community, the College reserves the right to remove a student from housing at any time. Students appealing those decisions must notify the Dean of Students of the intent to appeal immediately and must submit this appeal to the Dean of Students within 48 hours of their removal. All communications must be in writing from the student's NEC email account.

### **Room Check-in and Checkout**

When moving into an assigned College room, each resident is responsible for carefully checking the condition of their room and its furnishings thoroughly and for recording it on the Room Condition Report (RCR). Each resident must fill out, sign, and return their copy of the RCR to their Resident Advisor or Area Coordinator within 72 hours of check-in in order to remain eligible to appeal any damage charges incurred to their room at checkout. The College will hold each resident responsible for loss and/or damage to College property beyond normal wear and tear. If two or more residents reside within an area where damage has occurred and neither has taken responsibility, the charges will be divided among the residents.

All unauthorized early arrivals may be subject to a fine of \$100 in addition to \$50 for each night the resident occupies the space. Failure to follow appropriate checkout procedures or to leave by the officially stated time may result in a \$150 fee for improper checkout. Residents must check out of their housing assignment at the time they vacate their space or withdraw from the College. To check out, each resident must complete either an Escorted Checkout or an Express Checkout. For an Escorted Checkout, each resident must schedule an appointment with their RA at least 24 hours prior to departure to be officially checked out of their room. When checking out with the RA, the resident and RA will complete the checkout portion of the RCR. If the resident has a key, they must return it at this time. For an Express Checkout, the student must fill out the Express Checkout form. For students who must return a key, they must deposit their key into the envelope provided by their RA, seal the envelope, and deposit the envelope into the intra-office mail slot at the Mail Center located in the Simon Center.

Students must remove all personal belongings when checking out of the room and have the room returned to its original condition. Students who fail to immediately remove any personal belongings upon vacating their assigned space may have their item(s) disposed of and may be subject to additional charges. Students must officially checkout within 24 hours of their last academic requirement or by 7:00 p.m. on the last day of the semester, whichever comes first. During the spring semester, graduating seniors may stay in their room assignments after this time but must check out by 5:00 p.m. on the day of commencement. Failure to properly check out will result in a \$150 improper checkout fee. Any items left in a room after a student has vacated the room will be discarded. There is no storage available at the College.

### **Damage Billing**

In many cases, common area charges are minimal because the communities have been successful in establishing an environment characterized by respect for each other and the

facility. In fact, on college campuses across the nation, damages are reduced considerably when such a community environment exists. However, there may be times when in spite of the efforts of our staff, residents will choose to not address unacceptable behaviors in their community. As a result, those floor and hall damages which cannot be attributed to an individual are assessed and charged to all members of the residence hall as common area damages.

### **Damages and Damage Appeals**

Students are responsible for the condition of their room at the time of check-in until they complete the checkout process through Residential Life and Housing. Students are encouraged to note the condition of the room in detail on the room condition report (RCR) issued to each student during check-in. Damages are assessed throughout the academic year and after the close of the residence halls in the spring semester. All damage appeals must be emailed through the student's NEC email account to Residential Life and Housing within 30 days of the date on the invoice. Appeals submitted after 30 days or from non-NEC student email accounts will not be considered. The cost of damage to common areas (hallways, bathrooms, lounges, TV rooms, etc.) and false fire alarms are the shared responsibility of each resident. If the responsible individual(s) cannot be determined, the entire community will share the cost of the damage, whether that is the section, floor, or the entire building. Community damage charges are NOT subject to appeal. Students who select express checkout or who fail to check out waive their right to appeal any damages associated with their room.

### **Keys, Combinations, Swipe Cards**

Each student is issued a key/combo(s) to their room/suite/apartment and/or building at the time of check-in. It is mandatory that key(s) be returned when the student checks out. Keys may not be duplicated, nor may they be transferred or given to other persons. Lost keys should be reported immediately to Residential Life and Housing. Combinations and swipe cards may not be transferred or given to other persons. Unauthorized use of keys or entry to College premises (including entry into any office or residence hall room without permission) is considered misconduct and students may be subject to the disciplinary sanctions outlined in the student handbook. Students will be charged appropriately for any lock/combo change(s) necessary as a result of sharing a key or combination with anyone not authorized to have a key or know a combination.

Charges for key and combinations are as follows:

- \$50 for a combination change
- \$25 for a traditional metal key

When a student changes rooms, the combinations to each room involved in the move will be changed as standard procedure by the College and will not be charged to the residents.

### **Locking Doors**

For your own personal safety and security, you should keep your doors locked at all times and not prop open any suite, stairwell, or apartment doors. Propping open any doors is potentially

dangerous and a violation of housing policies. Allowing unauthorized people in the building by allowing them to “piggyback” on your entrance to the building is a safety hazard. If you do not know who is behind you, do not let them into the building. Should you experience a loss by theft, immediately notify the loss to Campus Safety. The College does not reimburse students for items that are stolen. Students are encouraged to purchase renter’s insurance to protect their personal items.

### **Lockouts**

Students who become locked out of their rooms should contact Campus Safety at 603-428-2323. There is a \$25.00 charge for the first lockout. For every subsequent lockout, an additional \$10.00 will be added to the previous lockout charge. There is no charge for residents who use the self-lockout process by going to Campus Safety and using the temporary access to perform a self-lockout for their room. Students who do not return the key/card used to perform the self-lockout within the established timeline will be billed to replace it.

### **Emergencies**

To call for help in an emergency or to report any threatening or suspicious behavior, or any threat to public safety or security, call the Department of Campus Safety at 603-428-2323. The office is located on Union Street and is open 24 hours a day. Resident Advisors (RAs) are on duty Sunday through Thursday from 7:00 p.m. to 8:30 a.m. each night and have 24-hour shifts on Friday and Saturday.

### **Fire Drills and Alarms**

The College conducts emergency evacuation drills on a regular basis. Students are required to exit the building immediately and may not re-enter the building without the direction of authorized College personnel. During the drill evacuation, College staff will enter the buildings and check all resident spaces for students who have failed to evacuate. Failure to evacuate or comply with a College or town fire or police official during an actual fire or a drill may result in conduct charges.

### **Personal Property**

The College is not liable for any reason for the loss or damage of or to a student’s property, belongings, or any personal goods stored in College housing facilities at any time. The College does not provide insurance for personal property and will not reimburse students when another student’s actions cause damage or loss of property. Students are strongly advised not to bring to campus any items of extraordinary value. Students are urged to inventory all personal belongings, to record serial numbers whenever possible, and to make arrangements through their parent/guardian’s insurance for adequate coverage. Thefts should be reported immediately to Campus Safety. Campus Safety uses the Operation ID service to assist in the identification of personal property such as computers and bicycles. Please see Campus Safety for details.

### **College and Non-College Property**

Any student found responsible for any damage to College property must pay for the restoration of the property to its original condition; this includes but is not limited to paint being removed from walls, destruction of College furniture, and damage to locks and screens. Liability for any damage to the unit or to the public area within any one of the residential units beyond reasonable wear and tear will be assigned to students of the particular building, apartment, suite, or room whenever the damage cannot be assigned as the responsibility of identified persons.

Property belonging to the College must not be moved or taken from areas designated for its specific use. For fire safety and personal hygiene reasons, students may not have any non-College furniture in their rooms/apartments/suites, including but not limited to chairs, couches, and mattresses. Violators will be subject to fines and conduct action. This action also covers the misuse of any College property, such as students using College lounge furniture in their room.

### **Guest and Visitor Policy**

While New England College does not restrict the hours during which residents may have guests and visitors in their rooms, the College has the responsibility to provide policies which allow for the safety of its community and ensure consideration for individual resident student rights. As such, the College reserves the right to modify, restrict or revoke the privilege of the guest and visitor policy at any time.

#### **Guests (any non-student)**

All residents are responsible for their non-student guests and, therefore, for their guests' behavior. If a guest is displaying inappropriate behavior, the host will be held responsible. All guests must comply with College rules and regulations. The host/hostess must escort all guests to and from the front entrances and at all times while the guest is present in the residential area. Any unescorted guests in a residence hall will be considered in violation of the Guest and Visitor policy. Such violations may result in guests' removal from the residence hall and conduct action for the guests and their host/hostess. No guest is permitted to be in a student room without a resident of the room present, including when a host is at class. This includes students who are hosting athletic recruits.

#### **Minor Guests**

No guest under the age of 18 is allowed in the residence halls without the expressed written permission of the Area Coordinator as confirmed through the host's/hostess's NEC e-mail account. The host must contact the Area Coordinator of the area where the minor guest will be staying with at least 48-hours notice and provide the guest's name and the contact information of the guest's parent or legal guardian. The Area Coordinator will then contact the parent or legal guardian to notify them of the minor's intent to stay on campus. A \$50.00 fee may be charged to the host's student account if the guest is not registered 48 hours prior to their arrival.

**Visitor (any New England College student)**

A visitor refers to any New England College student who is not assigned to the room they are visiting. All residents are responsible for their visitors and, therefore, for their visitors' behavior. If a visitor is displaying inappropriate behavior, both the visitor and host will be held responsible. No visitor is permitted to be in a student room without a resident of the room present, including when a host is at class.

**Quiet Hour Guests or Visitors**

Guests and visitors may stay in another resident's room during quiet hours (overnight). During quiet hours, guests and visitors are not permitted in residence hall rooms, suites, or apartments without advance permission of all residents of that room. If agreements with roommates cannot be reached, the rights of the roommates supersede those of the guest. The occupants of that suite/apartment may determine visitation hours for each suite/apartment. Visitors (NEC students) do not need to register or obtain a guest pass. All students hosting guests (Non NEC students) during quiet hours must register their guest and their guest's car with Campus Safety. A guest pass will be issued by Campus Safety and the Residential Life and Housing staff will be notified by email of the presence of a guest on campus. Failure to obtain a guest pass may result in the removal of the guest(s) and subject the host/hostess to conduct action. During quiet hours, the guest must carry a guest pass at all times and present it to any College official when requested to do so. Guest passes may be obtained prior to the start of quiet hours; or if the guest arrives during quiet hours, they may be obtained at the time of the guest's arrival. Quiet hours are as follows, 10:00 p.m. – 8:00 a.m. Sunday through Thursday, and 12:00 a.m. – 8:00 a.m. Friday and Saturday. Quiet hour guests or visitors are permitted only with permission of your room/suite/apartment mates. Guests are limited to a stay of two consecutive nights. Guests or visitors may not stay in a residence hall room for more than four nights during any 30-day period without the expressed written permission of the roommate(s) and the Area Coordinator as confirmed through the host's/hostess's NEC email account. All residents are responsible for their non-student guests and, therefore, for their guests' behavior at all times.



## SECTION VI. FEDERAL LAWS

### **FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)**

The Family Education Rights and Privacy Act (FERPA), also referred to as the “Buckley Amendment” was designed to protect the privacy of students’ educational records. In accordance with the provisions of FERPA (Section 438 of the General Education Provisions Act, 20 USC 1232g), New England College has adopted the regulations given below to protect the privacy rights of its students, including online/distance learners. Revisions and clarifications will be published as experience with the law and the Institution’s policy warrant.

The Registrar’s Office will notify students of their FERPA rights upon entry to New England College and once a calendar year thereafter. Notifications will be sent to the student’s official College email address or through MyNEC. In addition, the policy will be available on the College website. Printed copies of this statement are available upon request (accompanied by a self-addressed stamped envelope) to the Registrar’s Office, New England College, 98 Bridge Street, Henniker, New Hampshire 03242. Additional FERPA information can be found at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

With few exceptions, New England College has a policy of not disclosing any directory information without student consent to anyone outside the College. While disclosure is permitted by FERPA, the College is under no obligation to provide information and will do so only on a selective basis. Our intention is to act in the best interest of students regarding their education, well-being, and safety.

Students’ fundamental rights under FERPA include:

- The right to inspect and review their education records,
- The right to have some control over the disclosure of information from their education records,
- The right to request to amend inaccurate education records,
- The right to be notified on an annual basis of College policies regarding FERPA, and
- The right to file complaints with the Department of Education regarding alleged failure of the College to comply with the act.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when they reach the age of 18 or attend an institution of higher learning. Records may be released to parents without a signed consent from the student or under certain exceptions. These exceptions may include:

- Health or safety emergency
- Where the student has been found in violation of the institution’s code of conduct relating to the use of alcohol or a controlled substance if the student is under the age of 21
- By submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form

The release to parents of education records under any of these exceptions is a permissible but not a required release. Thus, under FERPA, an institution is not required to disclose information from the student's education records to any parent of a dependent student. It may, however, exercise its discretion to do so.

### **Type and Location of Educational Records; Officers Responsible**

The principal educational record of each student is kept at the Registrar's Office. The Registrar or their representative is responsible for these records. Educational records include any records in the possession of a College employee, which are shared with or accessible to another individual. The records may be electronic, handwritten or in the form of print, film or some other medium.

Certain other offices, including but not limited to those listed below, maintain records related to students. Inquiries concerning those records should be made in writing to the area concerned with a copy to the Registrar's Office.

- Academic Advising
- Academic Affairs
- Admission
- Athletics
- Campus Safety
- Disability Services
- Financial Aid
- Library
- Student Success Services (Academic Advising, Mentoring, Tutoring)
- Registrar
- Residential Life and Housing
- Student Affairs
- Student Financial Services
- Wellness Center

### **Inspection and Review of Records**

Any student may inspect and review their educational records upon written request to the appropriate department (as listed above). The department will comply as soon as possible; under the law, this must be done within 45 days after the request has been made.

The student has the right to review and inspect all the documents in all of their files at the College except:

- Confidential evaluations and letters of recommendation filed before January 1, 1975
- Evaluations and recommendations after that date if the student has waived their right to see them
- Financial records and statement of their parents
- Those documents classified by law as non-educational

If, after inspecting and reviewing their records, the student has any questions about them, they may request an oral or written explanation and interpretation of them.

Certain student records are not included among “educational records” under FERPA regulations:

- Private notes or records held by educational personnel and not accessible to or revealed to any other person – so-called “desk drawer notes” kept in the sole possession of a teacher or administrator – are not accessible to students.
- Campus law enforcement records are not open to student review, provided that the institution’s safety personnel maintain their records separately from the other records, disclose their records only to law enforcement officials in the same jurisdiction, and do not have access to the student’s other educational records.
- Student medical or psychiatric records created and maintained solely for treatment purposes.
- Records of students which relate exclusively to the students in their capacity as employees and which the institution makes or maintains in the normal course of business, are not open to student inspection.
- Records containing information obtained after the student is no longer enrolled, such as post-transfer or alumni records.
- Peer-graded assignments that have not been collected and recorded by a teacher are not considered “maintained by” an educational agency or institution, such that they are not “education records” covered by FERPA.

### **Correction of Record**

If, after inspecting and reviewing their records, the student believes that any information contained in them is inaccurate or misleading, or violates their privacy or other rights, they may request in writing that the records be amended.

- That office must reach a decision and inform the student of this decision in writing within 90-days of time after receipt of the request.
- If the office refuses to amend the record in accordance with the student’s request, the student has the right to a hearing, or may place a statement in their record. This hearing will be conducted by a committee appointed by the President, consisting of persons who do not have a direct interest in the outcome of the hearing.
- The hearing will be held within a reasonable period of time after the student has made the request, and the student will be given notice of the date, place, and time, reasonably in advance of the hearing.
- The student will be afforded a full and fair opportunity to present evidence relevant to the issue raised and may be assisted by members of the College community.
- The committee will make its decision in writing within a reasonable time period after the conclusion of the hearing.
- The decision of the committee will be based solely upon the evidence presented at the hearing and will consist of a written statement given to all parties concerned, summarizing the evidence and stating the reasons for the decision.

- If, as a result of the hearing, the committee supports the complaint of the student, the educational records of the student will be amended accordingly, and the student will be so informed.
- If the committee decides against amending the record, the student has the right to place in their records a statement commenting on the information in the record and/or stating their reasons for disagreeing with the decision.
- This explanation will be maintained by the College as part of the education record of the student as long as those records are maintained; and whenever a copy of those records is sent to any party, the explanation will accompany them.

### **Disclosure of Information from Records**

No office maintaining an educational record of a student will disclose any personally identifiable information from that record to anyone other than the student them self without the written consent of the student, except as provided below.

1. The records of the student will be disclosed without their written consent to academic and administrative officers within the College who have a legitimate educational interest in the information. “Legitimate educational interest” means the demonstrated need to know by those persons who act in the student’s educational interest. This includes the following persons and their professional and clerical staffs acting under third instructions; the Dean or Director of the student’s school, the Registrar, the Controller, the President and Vice-Presidents, the appropriate advising staff and/or academic standards committee, any faculty member or administrator to whom, or to whose office, the student has addressed an educational request, application, or inquiry, for which the records are needed to prepare a reply.
2. School officials can include contractors, consultants, volunteers, and other outside parties to whom an educational agency has outsourced institutional services that it would otherwise use employees to perform. The outside party must be under the direct control of the agency and must follow the same rules and laws as the agency.
3. The records of a student will be disclosed without their written consent to those federal and state government agencies and officials provided by law.
4. The records of a student will be disclosed without their written consent to any agency to which the student has applied for or from which they have received financial aid, or which has made decisions concerning eligibility, amount, conditions, or enforcement of terms of such aid.
5. Education records or information from an education record that has been “DE identified” through the removal of all personally identifiable information. Personally identifiable information includes direct identifiers such as a social security number as well as indirect identifiers such as the name of the student’s parent or family member that would allow a reasonable person in the community to identify the student with reasonable certainty.

6. The records of a student will be disclosed without their written consent to certain educational agencies and institutions, as permitted by law.
7. The College reserves the right to furnish to parents or guardians of financially dependent students any information relating to such students' academic and social status. The College will assume that an undergraduate student is financially independent unless the student informs the Registrar's Office otherwise.
8. The records of a student may be disclosed without their written consent to comply with a judicial order or subpoena. In these instances, the College will make a reasonable effort to notify the student of this disclosure.
9. The records of a student may be disclosed without their written consent in a health or safety emergency, as provided by law.
10. Personally identifiable information within education records may be released to various auditors (federal, state and private) without prior consent.
11. Education records may be disclosed to the Attorney General in response to an ex parte court order as part of an investigation or prosecution related to potential terrorism in order to comply with the USA Patriot Act.

The following information related to a student is considered "directory information" and the College reserves the right to disclose it without the student's consent unless the student informs the Registrar's Office on forms available electronically or in the Office of the Registrar that any or all such information about them self is not to be made public without their written permission:

- full name
- addresses (including home, local and email)
- telephone numbers
- date and place of birth
- major field of study
- participation in officially recognized activities and sports including weight and height of members of athletic teams
- dates of attendance
- degrees and awards received
- most recent previous educational institution attended by the student
- enrollment status (full- or part-time)
- class (e.g. first-year, sophomore, junior, senior)
- the title of their master's project or doctoral dissertation
- distinguished academic performance (e.g. Dean's List)

An education record, without consent, can be returned to the party identified as the party that created the record. The regulations would also permit a state or local educational entity to re-disclose education records without consent to the school district that provided the information.

To conform with the requirements of the Campus Sex Crimes Prevention Act, the regulations permit campus officials to release information they received from a state community notification program about a student registered as a sex offender in the State.

### **Right of Complaint**

Students who believe that the College is not complying with the requirements of the Family Educational Rights and Privacy Act or the regulations issued by the Department of Education implementing that Act, may file complaints in writing with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-8520

The full text of the Family Education Rights and Privacy Act as amended, and the full text of the final regulations of the U.S. Department of Education for the implementation of the Act, is available for inspection at the Registrar's Office.

Updated March 18, 2024

### **CAMPUS SEX CRIMES PREVENTION ACT**

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, became effective on October 28, 2002. Sex offenders, under the Campus Sex Crimes Prevention Act, must register with the state where an institution of higher education is located (even if they do not reside in the state) once they become enrolled or work at an institution of higher education. Changes in enrollment or employment status also must be made known to the state.

Individuals covered by the act include:

- An individual enrolled at an institution of higher education in the state on a full-time or part-time basis; or
- An individual that has any sort of full-time or part-time employment at an institution of higher education in the state, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year.

The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. In New Hampshire, convicted sex offenders must register with the New Hampshire Registration of Criminal Offenders maintained by the New Hampshire Department of Safety (Division of State Police). Information concerning offenders

registered may be disclosed to any person requesting information on a specific individual in accordance with law. The New Hampshire Registration of Criminal Offenders can be accessed through the following web site [www.egov.nh.gov/ns](http://www.egov.nh.gov/ns), or in person, at the New Hampshire State Police Sexual Offender Registration, 33 Hazen Drive, Concord, NH 03305 or by telephone at 603-271-6344.

### **MISSING STUDENT NOTIFICATION POLICY**

As an educational institution that provides on-campus student housing, New England College recognizes its responsibility to monitor the wellbeing of students residing on campus.

Accordingly, New England College has instituted a missing student notification policy adhering to Campus Safety and Security Reporting Requirements (Clery Act) by the Higher Education Opportunity Act (Public Law 110-315).

The New England College missing student notification policy requires that any individual who has information that a student has been missing for 24 hours must notify any one of the following: Residential Life and Housing staff, the Dean of Students, Associate Dean of Students, or personnel in the Department of Campus Safety (58 Union Street, Tel. No. 603-428-2323).

The Department of Campus Safety will work with campus offices, the reporting person, and the student's acquaintances to gather all essential information about the student (description, clothes last worn, where student might be, etc.). Appropriate campus staff will be notified to aid in the search for the student. If the above actions are unsuccessful in locating the student, or it is immediately apparent that the student may be endangered, the following personnel will meet to determine that the student is missing:

- Dean of Students: 603-428-2241
- Director of Campus Safety: 603-428-2323
- Associate Dean of Students: 603-428-2303

No later than 24 hours after determining that a student is missing, the Department of Campus Safety will contact the appropriate law enforcement agency to report the student as a missing person and the local law enforcement agency will take charge of the investigation. The Dean of Students or their designee will notify the \*emergency contact person (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing. For missing students 18 years of age or older who did not designate an individual to be contacted, the Dean of Students or designee will act in accordance with FERPA guidelines and College policy. The Department of Campus Safety will assist external authorities with these Investigations as requested.

\*Emergency Contact Person: A confidential contact person to be notified in the case that a student is determined to be missing.

Note: Students age 18 and above and emancipated minors will be given the opportunity during each semester registration period to designate an individual or individuals to be contacted by

the College in case of emergency. For students under the age of 18 determined to be missing, the College will notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing. A list of emergency contact persons will be maintained at the Department of Campus Safety building and only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information. An emergency contact designee will remain in effect until changed or revoked by the student.

### **DRUG-FREE WORKPLACE POLICY**

The following is a summary of penalties for Federal Drug Trafficking based on the Narcotics penalties and Enforcement Act of 1986.

The Drug-Free Workplace Act of 1988: The Drug-Free Workplace Act prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace. Failure to comply with the College's policy and the Drug-Free Workplace Act will result in disciplinary action up to and including termination of employment.

### **Drug Free Workplace Policy**

Under the regulations of the Drug-Free Workplace Act of 1988, any individuals, including students, who are on the New England College payroll or working under a federal grant or contract, must notify their supervisor of a workplace-related criminal drug conviction within 10 days of the conviction.

In an effort to educate the New England College community and to comply with the requirements of The Drug Free Schools and Communities Act Amendments of 1989, the following information is provided as addenda to this policy statement:

- A summary of the health risks associated with the abuse of alcohol and illegal drugs
- Information on the low-risk and appropriate uses of alcohol
- A description of alcohol and other drug counseling, treatment, and rehabilitation programs available to members of the College
- A summary of local, state, and federal laws for the unlawful possession or distribution of illicit drugs and alcohol
- A summary of the College's expectations and sanctions regarding alcohol and other drug abuse for the following areas:
  - students
  - faculty and staff
  - social function policies



## **SECTION VII. NEW HAMPSHIRE STATE LAWS**

### **Acts Prohibited**

Controlled substance/drug use (RSA 318-B:2): New Hampshire has criminal penalties for the use of controlled substances or drugs with penalties varying with the type of drug. In general, narcotic drugs, addictive drugs, and drugs with a high potential for abuse have heavier penalties. Controlled drugs include: barbiturates, amphetamines, tranquilizers, hallucinogens, opiates, cocaine, mescaline, psilocybin, D.M.T., narcotics, crack, and all other drugs of a similar nature which are either outlawed outright or illegal when not prescribed by a physician or used other than how specifically prescribed.

Under state or federal law, persons convicted of controlled drug possession are ineligible for federal student grants and loans for up to one year after the first conviction, five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first conviction, 10 years after the second, and permanently after the third.

### **DWI-Driving While Intoxicated (RSA 265:82)**

Included among the penalties for the first conviction of driving under the influence of alcohol are a \$1,000.00 fine and a loss of license for not less than 90 days. The legal B.A.C. (Blood Alcohol Concentration) for those 21 and over is .08; New Hampshire has a very strict .02 B.A.C. DWI law for any person under the age of 21 years; usual penalty may be up to a \$1,000.00 fine, two years loss of license and an alcohol education course.

### **Facilitating/Hosting an Underage Drinking Party (RSA 644:18)**

An underage drinking party is any gathering of five or more where at least one person is illegally possessing alcohol. This is a misdemeanor that could carry a fine up to \$1,200.00 and a jail sentence up to one year.

### **Hazing - New Hampshire State Law**

Hazing, in all forms, is a violation of good order and personal liberty and is prohibited. Effective on July 1, 1993, New Hampshire Law defines Student Hazing as: any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any acts, when:

1. Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and
2. Such act is a condition of initiation into, admission into, continued membership in, or association with any organization.

New Hampshire Law provides that a natural person is guilty of a Class B misdemeanor if such person:

1. Knowingly participates as an actor in any student hazing;
2. As a student, knowingly submits to hazing and fails to report such hazing to law enforcement or educational institution authorities; or

3. Is present at, or otherwise has direct knowledge of, any student hazing and fails to report such hazing to law enforcement or educational institution authorities.

Furthermore, the law also requires that an educational institution or an organization at or in conjunction with an educational institution is guilty of a misdemeanor if it:

1. Knowingly permits or condones student hazing; or
2. Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent student hazing; or
3. Fails to report to law enforcement authorities any hazing reported to it by others or of which it otherwise has knowledge.

### **Heroin**

In presence of: New Hampshire makes it illegal to be in a place where heroin is kept and to be in the company of a person known to possess heroin. The sale and possession of drug paraphernalia also is illegal.

### **Minor in Possession of Alcohol (RSA 179:10)**

New Hampshire law states that it is unlawful for any person under the age of 21 years to possess an alcoholic beverage. The usual penalty for first time violators is a \$150.00 fine (but the fine can be as high as \$500.00).

Second offense violators are usually fined \$250.00 and are placed on probation. A mandatory procedure followed by local and state police is that any minor found possessing alcohol will be arrested.

### **Internal Possession**

A person under the age of 21 is guilty of a violation if they are intoxicated (any amount of alcohol in system) due to consumption of an alcoholic beverage. \$250.00 minimum for the first offense, \$500.00 minimum for subsequent offenses, possible additional penalties such as the loss of New Hampshire State Driver's License even if the violation does not occur while operating a vehicle.

Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages (RSA 179:10-a) is punishable by a fine of \$2,000.00 and/or a year in jail.

### **Occupancy Law (RSA 153:3)**

Gatherings of 50 or more people in any building or tent are not permitted without a permit. This can result in a fine up to \$1,000.00.

### **Prohibited Sales**

Sale or delivery of alcohol beverages to persons under 21 (RSA 179:5): New Hampshire law prohibits the sale or delivery of alcoholic beverages to persons under 21 with a fine of up to \$2,000.00 and/or a year in jail.

### **Sexual Assault - New Hampshire State Law**

The State of New Hampshire distinguishes between three (3) degrees of Sexual Assault:

#### **RSA 632-A:2 AGGRAVATED FELONIOUS SEXUAL ASSAULT**

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

1. When the actor overcomes the victim through the actual application of physical violence or superior physical strength;
2. When the victim is physically helpless to resist;
3. When the actor coerces the victim to submit by threatening to use physical violence or superior physical strength on the victim, and the victim believes that the actor has the present ability to execute these threats;
4. When the actor coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim believes that the actor has the ability to execute these threats in the future;
5. When the victim submits under circumstances involving false imprisonment, kidnapping, or extortion;
6. When the actor, without the prior knowledge or consent of a victim, administers or has knowledge of another person administering to the victim any intoxicating substance that mentally incapacitates the victim;
7. When the actor provides therapy, medical treatment or examination of the victim in a manner or for purposes which are not professionally recognized as ethical or acceptable;
8. When, except as between legally married spouses, the victim is mentally defective and the actor knows or has reason to know that the victim is mentally defective;
9. When the actor through concealment or by the element of surprise is able to cause sexual penetration with the victim before the victim has an adequate chance to flee or resist;
10. When, except as between legally married spouses, the victim is thirteen (13) years of age or older and under sixteen (16) years of age and:
  - a. The actor is a member of the same household as the victim, or
  - b. The actor is related by blood or affinity to the victim.

11. When, except as between legally married spouses, the victim is thirteen (13) years of age or older and under eighteen (18) years of age and the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit or
  - a. When the victim is less than thirteen (13) years of age.
  - b. A person is guilty of aggravated felonious sexual assault without penetration when the actor intentionally touches the genitalia of a person under the age of thirteen (13) under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification.

#### **RSA 632-A:3 FELONIOUS SEXUAL ASSAULT**

A person is guilty of a class B felony:

1. When the actor subjects a person to sexual contact and causes serious personal injury to the victim under any of the circumstances named in RSA 632-A:2; or
2. When the actor engages in sexual penetration with a person other than his legal spouse who is thirteen (13) years of age or older and under sixteen (16) years of age; or
3. When the actor engages in sexual contact with a person other than his legal spouse who is under thirteen (13) years of age.

#### **RSA 632-A:4 SEXUAL ASSAULT**

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

#### **Transporting Alcoholic Beverages (RSA 265:81-3 and RSA 265:81)**

It is unlawful for any driver of a motor vehicle to transport, carry or possess any alcoholic beverage either open or with the original seal broken in the passenger area of the car. A penalty of up to \$1,000.00 and loss of license can be expected for violation of this law.

#### **Minor Transporting Alcoholic Beverages**

It is unlawful for any driver under the age of 21, except when accompanied by a parent, legal guardian, or legal age spouse, to transport any liquor or beverage in any part of the vehicle. Violations may result in a 60-day suspension of license or right to drive.

#### **Tobacco Products**

On July 29, 2020, Governor Chris Sununu signed House Bill 1245 which increased the age from 19 to 21 to purchase, sell or possess tobacco products. Electronic vapor products, including e-cigarettes, e-cigars, e-pipes, vape pipes, vaping pens, e-hookahs, and hookah pens, are also considered tobacco products under the law.

## **SECTION VIII. LOCAL LAWS**

### **Henniker Town Noise Ordinance**

This ordinance prohibits the following:

- *Parties.* Hosting a party which creates unreasonably loud noises caused by stereos, bands, musical instruments, or guests at any time or place where the noise disturbs the quiet, comfort, or repose of persons in any office, dwelling, hotel, or private residence or of any person in the vicinity thereof or in any public place
- *Radios, stereos, etc.* The using, operating, or permitting to be played, used, or operated of any radio, receiving set, musical instrument, stereos, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the reasonable peace, quiet, and comfort of the neighboring inhabitants or any time with louder volume than is necessary for the hearing of the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto
- *Yelling, shouting, etc.* Yelling or shouting on the public streets, at any time or place so as to unreasonable annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or any other type of residence, or of any persons in the vicinity thereof

Such acts committed between the hours of 9:00 PM and 6:00 AM Sunday through Thursday and between the hours of 11:00 PM and 6:00 AM on Friday and Saturday are considered a violation of this ordinance.

Violation of this ordinance will result in a fine of not more than four hundred dollars (\$400.00).

### **Henniker Town Open Container Ordinance**

It is illegal for any person to possess an open container of any alcoholic beverage or consume any alcoholic beverage while on any public highway, sidewalk, or common or upon and Town owned property in the Town of Henniker.

It is illegal for any person, while in any motor vehicle, to possess an open container of any alcoholic beverage or consume any alcoholic beverage while on any public highway, sidewalk or common or upon any Town owner property in the Town of Henniker.

Violation of this ordinance will result in a fine of not more than one hundred dollars (\$100.00).

### **Title XXI, Motor Vehicles, Chapter 265**

Rules of the Road: Pedestrians' Rights and Duties

Section 265:35 - Pedestrian's Right of Way in Crosswalks

When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon

which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

Paragraph I shall not apply under the conditions stated in RSA 265:36.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

## **SECTION IX. CAMPUS SAFETY**

Location: 58 Union Street, 603-428-2323

The Department of Campus Safety operates 24 hours/seven days a week from the Campus Safety Building conveniently located on campus for student accessibility. Campus Safety personnel provide a variety of services, from issuing student ID cards and vehicle decals, campus traffic enforcement, night escorts (RA rounds, late evening, and approved through access and accommodations), crime prevention practices and participation in emergency response procedures. Campus Safety dispatchers, an integral part of Campus Safety, are a full-time connection to delivery of safety services to the College community.

### **General Information**

The Department of Campus Safety operates from the Campus Safety Building located at 58 Union Street.

- Campus Safety officers help protect the lives and property of members of the NEC community
- Patrolling the campus 24 hours a day is a prime function of the Department of Campus Safety
- The Department helps enforce the College's code of conduct

The department consists of several full-time and part-time safety officers who work a schedule that provides maximum coverage during the busiest time periods and for social and special events such as concerts and dances.

The Department of Campus Safety maintains a close rapport with the College community, having earned a reputation for fairness and helpfulness. The College community has come to know that, in times of need, the Department of Campus Safety can be depended on for assistance.

The Department of Campus Safety is open 24 hours a day, seven days a week. In an emergency, you can contact a Campus Safety officer by dialing 603-428-2323. Emergency phones are placed at the residence halls and near busy locations (see below) that connect directly to 9-1-1.

### **Student Identification Cards**

Student identification cards are provided to incoming first-year and transfer students at no cost and should be with the student while on campus. Students who lose their ID cards can have them replaced at the Campus Safety Office for a \$25 replacement fee which will be billed to the student's account (damaged or inoperative cards are replaced at no charge). Students can use their card for identification, access into residence halls, access into the Field House, using their meal plan, borrowing library books, student discounts and other New England College events.

### **Emergency Phone Locations**

- West Hall West Entrance
- West Lot (entrance)
- Colby Complex (at Colby Hall) -outside of building – Colby 3 & 4
- Connor Hall North Entrance
- East Hall South Entrance
- Putnam (by left front doors)
- Rowe House
- Sanborn Hall
- Union Hall
- Turf Field at Walkway
- Charter Walkway (lower level at Water St.)
- Currier Lot
- Lyons Center (Front entrance)

### **Facilities Access**

Students may access their residence hall with their student identification card. Students may request after-hours access to campus facilities from appropriate staff and faculty. When available, Campus Safety will grant access to those students as needed.

### **Lost and Found**

The College's primary lost and found location is the Department of Campus Safety. Articles held at the Department of Campus Safety are stored for a semester. Unclaimed items will be regarded as abandoned after a semester and will be disposed of at the discretion of the Director of Campus Safety. This policy also includes bicycles.

### **Bicycles**

Bicycles must be registered at Campus Safety, and that registration will be at no cost to the student or guest. Students and/or guests should contact Campus Safety with their bicycle's serial number and a brief description of the bicycle. Bicycles can be registered through the department's Operation ID program.

Bicycle registration is used to prevent theft and help with the recovery of stolen bicycles. Failure to register your bicycle will result in the bicycle being placed into Lost and Found and unclaimed bicycles will be regarded as abandoned after a semester and will be disposed of at the discretion of the Director of Campus Safety.

### **Operation ID**

Students are strongly urged to participate in "Operation ID." It is recommended that students fill out an "Operation ID" form with serial numbers of valuable personal property (TVs, DVD/blu ray players, computers, stereos, etc.). The forms are available at the Campus Safety Building on Union Street. The completed form is then submitted to the Department of Campus Safety where it will be logged and filed.



## **SECTION X. PARKING INFORMATION**

Campus Safety officers patrol the College parking lots on a regular basis to check for signs of vandalism, look for suspicious people and offer escorts to students. For more information about parking see the motor vehicle code in this section of this handbook.

### **Parking Appeals**

The New England College Parking Appeals Committee was established to make decisions on parking violation appeals submitted by members of the campus community. The committee (Student Senate) is composed of a group of students representing the various make-up of the College community. When possible, representation on the committee includes first-year students, upper-class students, commuter students, students with and without vehicles, and a non-campus safety faculty/staff member. The purpose of the committee is to provide fair, consistent decisions on parking violation appeals, based on the College policies and regulations.

### **Motor Vehicle Code**

Please read and abide by the following policies and procedures regulating parking and traffic on the New England College campus. Failure to abide by the regulations shall result in fines, booting, towing, and revocation of parking privileges and/or disciplinary action. Parking decals are \$150.00 for Residential, First Year, and Commuter Parking. Graduate Commuter decals are \$100.00. Questions should be directed to the Campus Safety Office, 603-428-2323.

### **Motor Vehicle Rules and Regulations**

Traffic policies are in place:

- To ensure a safe flow of motor vehicles and pedestrian traffic on campus
- To provide orderly parking for students, employees, and guests of New England College
- To ensure emergency access at all times to all buildings and areas on campus

### **Motor Vehicle Registration**

In order to be legally parked on New England College Property, all students', employees', Visitors', and Guests' vehicles must be registered through the Department of Campus Safety.

1. Decal/Permit registration is available via the link [HERE](#). Payments are to be made to your MyNEC accounts. Once completed and paid for, permits can be picked up from the Lead Dispatcher at the Department of Campus Safety 8 AM to 4 PM, Monday-Friday starting the first week of the academic year.
2. Temporary parking permit registration is available at any time through the Department of Campus Safety Dispatch.

3. All motor vehicles must have a valid state registration and inspection. Any vehicle failing to meet the above requirements will be removed from College property until safe motor vehicle requirements are met.
4. Guests leaving their vehicles on campus must obtain a temporary parking permit which must be properly displayed on the rear view mirror. Failure to do so shall result in ticketing, tow, or boot. Temporary permits are available through the Department of Campus Safety 24 hours a day.
5. All vehicles must properly display a New England College current parking decal and/ or permit and park in designated areas determined by decal/permit status.
6. Parking decal/permits are valid only through current academic year.
7. Parking is limited. As a result, registration is available on a first-come, first-served basis.
8. Parking is made available on campus for first year students. Vehicle registration is available during academic registration and throughout the academic year from Campus Safety. Request by email ([CampusSafety@nec.edu](mailto:CampusSafety@nec.edu)) and a link to register your vehicle will be sent to you.
9. Parking is made available on campus for commuter students. Vehicle registration is available during academic registration and throughout the academic year from Campus Safety. Request by email ([CampusSafety@nec.edu](mailto:CampusSafety@nec.edu)) and a link to register your vehicle will be sent to you.
10. A waiting list will be developed if demand exceeds parking availability. As spaces become available, students on the waiting list will be contacted.
11. Handicapped parking permits are issued through your home state. Please contact the Director of Disability Services ([DisabilityServices@nec.edu](mailto:DisabilityServices@nec.edu)) for special parking accommodations.
12. Vehicles that cause damage to the college property or leaking fluids may be banned from campus property until such defect is repaired. Charges related to the clean-up and/or repair will be billed to the student's account.

### **Traffic Regulations**

1. Students, employees and visitors are expected to comply with New Hampshire Motor Vehicle laws and New England College traffic regulations when operating a motorized vehicle on campus.

2. Driving on walkways, fire lanes, lawns, or any areas not designated as a roadway is prohibited. Motorcycles are allowed access only on roadways and are prohibited from using walkways, trails, fields, and ski trails. Off-road vehicles are not allowed on campus. Fire lane/emergency access use is restricted to emergency vehicles, maintenance vehicles, or special use with permission of the Department of Campus Safety.
3. The maximum speed limit on College property is 10 miles per hour.
4. Pedestrians shall be allowed the right of way at all times.
5. Vehicle operators must comply with ALL traffic and parking signs and/or the directions of Campus Safety officers.
6. Reckless or endangering operation of a motor vehicle or bicycle is prohibited. Violators may receive fines and/or disciplinary action. Violators may also have their campus parking and driving privileges revoked, and the case may be remanded to the local police.
7. Traffic and parking tickets may be issued in person, attached to the vehicle or mailed to the registrant.

### **Parking Regulations**

1. The following shall constitute NO PARKING ZONES:
  - a. campus roads, grassy areas, walkways
  - b. parking within 15 feet of any hydrant
  - c. fire lanes or fire exits
  - d. all loading, delivery, and service areas
  - e. all parking spaces designated handicapped parking without a permit
  - f. all building entrances
  - g. non-designated parking areas, lots, and spaces
2. All "no parking" areas designated by signs, barriers, decal status, regulations, or common sense.
3. Visitors may park only in designated areas. Visitors will be directed to proper parking areas upon registration at the Department of Campus Safety.
4. Vehicles with handicapped license plates may park in handicapped parking spaces. Unauthorized vehicles in handicapped spaces are subject to be ticketed/towed at the owner's expense.
5. Overnight parking is allowed in designated lots. See "Lot Assignments" for further information.

### **Parking Assignments**

1. New England College is a "walking campus." All members of the campus community cannot be guaranteed convenient, easy access parking. Everyone must park in a legal parking space, as outlined by these regulations, and walk to their destination.
2. New England College parking is limited.
3. Students, employees, visitors, and guests are allowed to park in designated areas only, determined by their decal/ permit status. Violators are subject to ticket, tow, and/or boot.
4. Misuse of New England College decals/permits will result in disciplinary action.
5. The following are the New England College lots and corresponding assignments:
  - West Lot- Residential, First year and Commuter decal parking, overnight parking allowed
  - Rear West Hall lot-faculty/staff parking
  - River Lot- Residential and Commuter decal parking, overnight parking allowed
  - Simon Center Lot- Commuters, Faculty/Staff, No Overnight Parking
  - Center for Educational Intervention (CEI) Lot - faculty/staff, NO overnight Parking
  - Currier Parking Lot – Commuter, faculty/staff parking, NO overnight parking
  - Administration Building Lot - faculty/staff and Admission visitors, NO overnight Parking
  - Preston Theatre Lot- Commuter decal parking, NO overnight parking
  - Lower Union Lot – Residential decal parking, overnight parking allowed
  - Lewin Lot- Health Center Staff parking only, NO overnight parking
  - Spaulding Lot - faculty/staff parking, NO overnight parking
  - Field House Lot - commuter, faculty/staff, NO overnight parking
  - Gilmore Lot – Gilmore Staff Only, NO overnight parking
  - Sanborn Lot – Commuter, visiting Commuter decal parking, overnight parking allowed
  - Rowe Lot – Commuter, Visiting Commuter decal parking, overnight parking allowed
  - Rear Arena Lot (Athletic Coaches)- faculty/staff, NO overnight parking
  - Lee Clement Arena front parking lot-events only, no student parking allowed
  - Art Annex Lot - faculty/staff, NO overnight parking
  - Quad Lot – Residential decal, overnight parking allowed
  - Charter Rear Lot – Residential decal; faculty/staff, overnight parking allowed
  - Charter Side Lot - faculty/staff parking, overnight parking allowed
  - Tower Lot - faculty/staff, NO overnight parking
  - Union Lot – Residential decal, overnight parking allowed
  - Davis House Lot - faculty/staff, no overnight parking
  - Bridge St – faculty/staff, no overnight parking

- Handicapped parking spaces are located throughout campus for permitted vehicles only
- 6. Students who live in Rowe and Sanborn will have commuter parking privileges. The students in those residence halls will be able to park in the commuter lots (Currier lot, Commuter lot adjacent to "CEI" lot, West lot, River lot).
- 7. Guests of New England College will be directed to an appropriate parking area upon receiving a parking permit from the Department of Campus Safety. The Campus Safety building is located at 58 Union Street. Campus Safety has the authority to make exceptions or changes in lot assignments as necessary for campus events, maintenance needs, etc.

### **Overnight Parking**

Lots designated as "NO Overnight Parking" must be empty between 3:00 a.m-7:00 a.m. All vehicles parked in such a lot after 3:00 a.m., and before necessary building openings, will be ticketed and towed at owner's expense.

### **Vacation Parking**

Parking on campus is not allowed during vacation periods unless special arrangements are made in advance with the Department of Campus Safety. Please contact Campus Safety at 603-428-2323 before leaving a vehicle on campus during your absence. Failure to do so may result in ticketing/towing of the vehicle.

### **Snow and Sand Removal**

1. Snow and sand removal procedures and plowing/sweeping times will be posted throughout the campus before plowing/sweeping with as much notice as possible. Plowing/sanding schedules can be accessed 24 hours per day by dialing 603-428-2323. Registrants must move their vehicle from the parking lot prior to the scheduled time. Vehicles remaining at the time of plowing/sweeping will be ticketed and towed at the owner's expense.
2. Commuter parking lots must be emptied when the College closes due to inclement weather to allow for snow removal. If stranded on campus, please ask a Campus Safety Officer for an overnight parking space.
3. You should make prior arrangements to have your vehicle moved in the event plowing occurs in your absence.

### **Accidents**

1. Accidents occurring on campus must be immediately reported to the Department of Campus Safety.

2. Accidents involving personal injury, or more than \$1,000.00 in property damage, must also be reported to the Henniker Police Department.

### **Fines and Penalties**

1. The individual registrant must assume responsibility for any tickets, fines, or fees issued through the Department of Campus Safety.
2. Violations and corresponding ticket fines:
  - Parked in faculty/staff Space--\$40
  - No student parking--\$40
  - Not a legal space--\$40
  - Loading/delivery--\$40
  - Blocking dumpster--\$100
  - No parking decal--\$40
  - No parking area--\$40
  - Parked in walkway--\$100
  - Handicapped parking--\$100
  - Careless/reckless driving--\$100
  - Impeding snow/sand removal--\$40 – without tow
  - Impeding snow/sand removal--fee noted by tow company
  - Overnight parking \$40
  - Habitual offender--\$100
  - Parking in fire lane/driveway--\$100
  - Blocking fire hydrant--\$100
  - Vehicle booting--\$100 (in addition to any other applicable fines)
  - Additional vehicle towing--fee designated by tow company
  - Other--\$40

### **Towing and Booting**

1. The Department of Campus Safety has the authority to remove any vehicle from College property and/or boot any vehicle parked on College property that is in violation of any NEC traffic/parking regulations.
2. Owners of towed or booted vehicles will be responsible for all expenses, associated fines, and/or storage fees.
3. New England College is not responsible for expenses or repairs incurred when a vehicle is towed and/or booted.
4. New England College reserves the right to enter any vehicle on campus for life safety reasons.
5. Student owners of towed or booted vehicles must get a student decal. Failure to do so will result in the vehicle being banned from campus until a decal being purchased.

### **Repeat Offenders**

1. Repeated violations could constitute grounds for banning a vehicle from College property. Anyone with four or more violations is considered a habitual offender. Habitual offenders are subject to disciplinary action by the College.
2. Anyone with five or more violations will be required to make a meeting with a parking administrator within one week of the fifth violation. Failure to make the meeting will result in the vehicle being immediately banned from campus.
3. Any vehicle banned from College property and found on campus will be towed off campus at the owner's expense.
4. Failure to comply with this policy may result in further disciplinary action.

### **Payment of Fines**

1. Parking and driving fines must be paid within seven days after the ticket is issued. Parking and tow fines must be paid at the New England College Student Financial Services Office.
2. Boot fines cannot be appealed.
3. Cost associated with disposal of any abandoned vehicle will be billed to the owner.

### **Appeals**

1. Ticket appeals must be made within five business days of the date the ticket was issued. Appeals can fill out via the Microsoft form <https://forms.office.com/r/TjF7KWdQtV>. Please be sure to fill all locations and be as detailed as possible.
2. The Parking Appeals Committee or, in some cases, the Appeal Administrator will hear the appeal and make a decision.

## SECTION XI. PERSONAL SAFETY INFORMATION

Your involvement is essential to the prevention of crime on campus. Disinterest and complacency are prime contributors to the success of criminals. The burden of crime prevention rests not only with the Department of Campus Safety but also with each member of the New England College community. Campus safety is everybody's business. Campus Safety Officers cannot be everywhere at once, consequently, they depend on you to recognize and report suspicious and criminal activities. The extent of your cooperation greatly influences the Campus Safety Officers' effectiveness in combating crime. Doing your part means:

Being aware of your vulnerability and following the suggestions outlined in this booklet to protect yourself and your property.

Being alert for suspicious or criminal activity and conditions that may represent a hazard to the College community.

Getting involved by becoming more security conscious and by reporting all incidents of criminal activity, no matter how insignificant, to the Department of Campus Safety. Remember that unreported crime cannot be solved. By not reporting crimes you allow the perpetrators the opportunity to commit additional and perhaps more serious crimes. Many times, solving a crime depends upon how accurately and promptly the incident is reported. Therefore, when reporting an incident, it is important that you be able to provide as much of the following information as possible:

- Nature of the incident
- When the incident occurred
- Where the incident occurred
- Person(s) involved (names, sex, race, age, height, hairstyle/color, scars, glasses, clothing)
- Direction and method of travel
- Vehicles involved (color, type, make, model, license plate number and state, decals)
- Description of stolen property, serial number, brand name, model numbers and value

### **Athletic Facilities**

Avoid using the athletic facilities alone, especially after dark or during off hours.

Use the "buddy system." Work out with a friend and make arrangements to go to and from the gym together.

Confine your running, walking, and jogging to the daylight hours and to well-traveled areas.

Avoid bringing cash, wallets, watches, or other valuables to the athletic facilities.



Keep your locker locked when unattended. This includes those times when you leave briefly to shower, visit the trainer, or use the equipment room. Most of the thefts at athletic facilities are from unlocked lockers.

Avoid showering if you are alone in the locker room.

If you encounter an intruder inside the locker room:

- Scream for help
- Keep out of the intruder's way and do not attempt to apprehend or prevent the intruder from leaving
- Formulate a description of the intruder in your mind
- Notify the Department of Campus Safety immediately

### **Timely Warning**

Timely Warnings are periodic warning notices that appear in the campus newspaper and posters that are distributed in key locations on campus when the College community needs to be advised about a public safety matter.

### **Driving**

Although Campus Safety Officers do frequent patrols of the parking lots to check for any signs of vandalism or suspicious people, you should keep the following in mind:

- Don't pick up hitchhikers.
- Avoid stopping in poorly lighted, out-of-the-way places.
- If your vehicle breaks down after dark, signal for assistance by raising your hood and by tying a white handkerchief to the radio antenna or door handle. Stay inside your vehicle with the windows closed and the doors locked. If a roadside Samaritan stops, roll down your window just enough to talk and ask them to call the police. If the person appears to be a threat, sound your horn and flash your lights until they leave.
- If you are followed into your driveway or parking lot, stay locked inside your vehicle until you can identify the occupants of the vehicle. Again, if threatened sound your horn until you attract attention or the vehicle leaves.
- When parking at night, choose well-lighted areas. Before getting out of your vehicle, check for people loitering.
- Lock your vehicle whenever it is unattended.
- Before entering your vehicle always check the interior, paying attention to the floor and back seat.

### **Henniker Law Enforcement**

The Department of Campus Safety works hand in hand with local law enforcement agencies. All major crime reports are filed with the appropriate agency and followed up with joint investigations. Arrests on campus are similarly made by the appropriate agency with the cooperation and assistance of the Department of Campus Safety.

Local law enforcement agencies include:

- Henniker Police Department 603-428-3213
- Attorney General 603-271-3658
- New Hampshire State Police 603-271-3636
- Merrimack County Sheriff's Department 603-225-5451
- New Hampshire State Liquor Commission 603-271-3755
- Henniker Rescue Squad 603-225-3355
- Henniker Fire Department 603-225-3355

### **Personal Property**

One of the attractive things about New England College is its relatively safe environment. Even so, it is prudent to remember that no matter where you are or whom you are with, you can be a victim of a crime. The federal government requires all U.S. Colleges to provide safety information to their students. The following information was prepared to help you avoid dangerous situations that could lead to a crime, to help you protect yourself and your property and to help you contribute to a safe, pleasant environment.

### **Residence Halls**

Each evening, Campus Safety officers make foot patrols in and around the residence halls and other campus buildings. Campus Safety officers work closely with the Residential Life and Housing Staff to prevent problems before they occur. All of the residence halls are closed, exterior doors locked and entrance prohibited when New England College is not in full session (e.g. holidays and vacations). Students who must remain on campus during recess periods should contact Residential Life and Housing to make arrangements.

- Keep the doors and windows to your residence locked at all times.
- Never sleep in an unlocked room.
- Don't put your name and address on key rings.
- If you lose the keys to your residence, have the locks changed. On-campus residents should notify Residential Life and Housing to or the Department of Campus Safety
- Don't study in poorly lighted or secluded areas.
- If you receive obscene or harassing telephone calls or calls with no one on the line, hang up immediately and notify the Department of Campus Safety.
- If you find that your room has been entered, don't go inside. Notify the Department of Campus Safety. If you are already inside, don't touch anything as you may disturb evidence important to an investigation.
- If you are awakened by an intruder inside your room, try to avoid a confrontation. The person may be armed or may arm them self with something in the room. If the intruder poses an immediate threat, get out of the room. If the intruder doesn't pose an immediate threat, common sense may dictate pretending you are asleep.
- If you see a suspicious person or vehicle on campus, immediately contact the Department of Campus Safety. Try to get the license plate number, state, and a description of the vehicle.

- Propping open doors to residence halls or other College buildings is a violation of College policy. Defective locks on windows and doors should be reported.
- Avoid bringing large amounts of cash or other valuables to campus.
- Keep items of value out of sight.
- Never share the combination to your room.
- When leaving for vacations, store valuables such as stereos and televisions out of sight.
- Check with your family insurance agent to determine if your property is covered under your parents' homeowner's insurance. If not, you should consider purchasing renters' insurance. The College does not insure for loss of or damage to students' possessions.

### **Walking**

The Department of Campus Safety encourages students, faculty and staff members to use the Escort Service. The Escort Service provides safe transportation between locations on campus for any member of the College community. For an escort, call 603-428-2323.

- Avoid traveling alone after dark.
- Walk on well-lighted, regularly traveled walks and pathways. Avoid short cuts and keep away from shrubbery, bushes, alleyways and other areas where an assailant might be lurking.
- Don't hitchhike or accept rides from casual acquaintances or strangers.
- Report lights that are out and any other hazardous conditions to the Department of Campus Safety.
- When walking to your vehicle, have your keys in hand.
- When being dropped off at your residence by taxi or another vehicle, ask the driver to wait until you get inside before they leave.
- If threatened by an approaching vehicle, run in the opposite direction. The vehicle will have to turn around before it can follow.
- If you think you are being followed, cross the street. If necessary, keep crossing back and forth. If you are pursued, draw attention to yourself and run to a lighted business or residence, enlist the aid of a passerby, flag down a passing motorist or, as a last resort, break a window in a residence or pull a fire alarm. Do anything that might attract attention or summon assistance. In these types of situations yelling "Fire" may be more effective than yelling for help.

If you find yourself confronted by an assailant, you must remember that while screaming and struggling may in some instances frighten off the assailant, in other instances such actions may further antagonize the assailant and bring forth a more violent reaction. Above all, keep your head and assess the situation before choosing your course of action. Whether or not the assailant is armed or has made threats against your life will obviously be a determining factor in your decision. The key word in this type of situation is survival. Use common sense and intuition.

## SECTION XII. STUDENT FINANCIAL INFORMATION

### **Student Financial Services**

Administration Building, 603-428-2226, sfs@nec.edu

The Office of Student Financial Services provides financial aid counseling and student account assistance to students and parents from the time of initial inquiry until completion of undergraduate studies. To apply for financial aid, file the FAFSA each year by the NEC priority deadline of March 1. Outstanding financial aid requirements, 1098T tax forms, invoices and student account information are available online through MYNEC at mynec.nec.edu.

### **Payment Responsibilities and Financial Aid**

Arrangements for the payment of NEC tuition and fees must be made prior to the start of each term. By enrolling in a course(s), you agree to pay all charges incurred. If you are subsequently unable to obtain any portion of the financial aid which you intended to use for payment, you understand that you are not absolved of personal responsibility for payment, and NEC will seek payment from you directly. This includes, but is not limited to, (1) federal financial aid (loans and/or grants) being declined or the actual award being insufficient to cover all costs noted above; (2) any third party payment arrangements (including but not limited to corporate tuition assistance, military tuition assistance, Veterans Administration benefits, scholarships) do not occur for any reason or are insufficient to cover all costs noted above; or (3) in the event that any arranged credit card or ACH payment declines. You agree to abide by the [rules and standards](#) of New England College

*Billing:* You agree to view and pay your student account prior to the start of the term. NEC uses electronic billing as its official billing method. Student accounts may be accessed online through the [MyNEC](#) portal. Fall semester charges are due by July 1; Spring semester is due by December 15. Winter and Summer semesters are due the Friday before the semester begins.

*Collections:* You agree that you shall be individually liable for all fees and expenses of, for and incidental to the collection of all amounts due; this shall include, without limitation, reasonable collection fees incurred with third party agencies, and reasonable attorney and paralegal fees and other costs incurred in litigation, mediation, arbitration, and bankruptcy proceedings, including appeals. Delinquent accounts may be reported to one or more of the national credit bureaus.

*Withholding of Official Records:* No official documents of completion of individual courses or degrees will be awarded by the NEC Registrar until outstanding payment is received in full unless restricted by law. If at any time you have questions about your account, please contact the Student Financial Services Office. Financial holds will prevent requesting transcripts, participating in commencement, registering for future courses, and receiving a diploma.

### **Updating your Contact Information**

It is your responsibility to keep your address and phone number up to date in MyNEC so that NEC can communicate with you. Email communication will be sent to your @nec.edu student email address. Financial notifications are sent electronically and you agree to regularly check your student email address for important notifications.

### **Course Withdrawal Policy**

#### **Automatic Withdrawal**

It is extremely important that you begin to actively participate in your classes immediately to achieve academic success. Students must participate in class by logging in a minimum of two (2) times before 11:59 p.m. EST on the Sunday of the first week of the session. Failure to do so will demonstrate nonparticipation, and you will be automatically withdrawn. If you do not complete an academic action in each class prior to 11:59 p.m. EST on the Sunday of Week 3, you will be removed from that course. If you were using financial aid to help pay your tuition costs and were removed from class due to non-participation, you will not be eligible to receive financial aid.

#### **Voluntary Withdrawal**

If you are a new student, to withdraw prior to the start of your first class you must contact your admissions advisor. Once class begins, during Week 1, both new and returning students must withdraw by using the MyNEC online portal found at [MyNEC.nec.edu](http://MyNEC.nec.edu). Once at the website, select the link titled "Enter Secure Area to Access Student and Faculty Services" to log in to your MyNEC account. During Weeks 2 and after, if you are an undergraduate student, to withdraw from class you must contact Academic Advising at [advising2@nec.edu](mailto:advising2@nec.edu). If you are a graduate and professional studies student, you must contact Student Services at [StudentServices\\_GPS@nec.edu](mailto:StudentServices_GPS@nec.edu).

Failure to receive proper materials or for technology to properly perform does not excuse you from this withdrawal policy. You are responsible for maintaining written evidence of all drops/withdrawals. Failure to attend classes or verbal notification to instructors does not constitute an official drop or withdrawal.

Tuition refunds will be calculated based on withdrawal dates as follows, fees are non-refundable:

100% Online, Undergraduate Programs:

Week 1	100% By Sunday at 11:59 PM EST
Week 2	75% By Sunday at 11:59 PM EST
Week 3 & after	No Refund

School of Graduation and Professional Students and Executive Programs:

Week 1	80% By Sunday at 11:59 PM EST
Week 2	50% By Sunday at 11:59 PM EST

Week 3 & after                      No Refund

Undergraduate, Residential Programs Fall and Spring terms:

Week 1	75% By Sunday at 11:59 PM EST
Week 2	65% By Sunday at 11:59 PM EST
Week 3	55% By Sunday at 11:59 PM EST
Week 4	40% By Sunday at 11:59 PM EST
Week 5 & after	No Refund

Undergraduate, Residential Programs Summer and Winter terms:

Week 1	80% By Sunday at 11:59 PM EST
Week 2	50% By Sunday at 11:59 PM EST
Week 3 & after	No Refund

**Late Payment Fees**

All overdue accounts of 30 days or more are subject to a late payment fee and finance charges. The late payment fee is \$200.00 and the finance charge is assessed at a periodic rate of 1.5% per month, equivalent to 19.56% annually.

**Payment Due Dates**

Payment due dates are as follows:

Returning Deposit:    May 1,            refundable through July 1  
UG                            July 15

Fall:  
UG                            December 15

Spring:

All other semesters:    Payment is due the Friday before a term begins

**Tuition Protection Plan**

We recommend the Tuition Protection Insurance Plan which expands the scope of our current refund policy by offering reimbursement for tuition, housing, and other fees no matter when during the semester for a medical withdrawal. Learn more [www.gradguard.com/tuition/nec](http://www.gradguard.com/tuition/nec) or call 1-866-724-4384. Insurance must be purchased prior to the first day of classes. Coverage extends through the end of that semester.

## **Financial Aid**

Administration Building, 603-428-2226

The Office of Student Financial Services provides counseling and assistance to students and parents from the time of initial inquiry until completion of undergraduate studies. To apply for financial aid, submit the Free Application for Federal Student Aid each year at [studentaid.gov](http://studentaid.gov). The FAFSA typically is available October 1 of each year. Outstanding financial aid requirements and financial aid award details are available on MYNEC. General financial aid information is available at [nec.edu/admissions/financial-aid](http://nec.edu/admissions/financial-aid).

## **Financial Aid Disbursements**

Financial Aid funds are disbursed to a student's billing account within approximately two to four weeks of the start of the semester and only when all outstanding requirements are complete and processed. Refund requests for excess financial aid funds are processed within approximately 14 days of the request or receipt of funds. For Refunds: Choose your preferred refund method in your MYNEC account. Choose from direct deposit, reloadable debit card or mailed check. If you do not make an election, the default is a mailed check. Click 'Student Services & Financial Aid', Online Account', 'Manage Refunds'.

## **Textbooks**

New and used textbooks, as well as digital and rental options are available at the NEC Online Bookstore. Visit [nec.ecampus.com](http://nec.ecampus.com) more information. Textbooks should be purchased by the first week of classes. If you have an approved loan in excess of your tuition bill and if you have chosen YES on your Credit Authorization form to use funds for other expenses, you will have a book voucher available at the Online Bookstore approximately two weeks prior to and during the first week of a semester. Book vouchers appear when you checkout and can be used to purchase or rent textbooks from [nec.ecampus.com](http://nec.ecampus.com).

## **Parent Emergency Loan Fund & New England Society Loan Fund**

Student Financial Services, Administration Building  
Phone: 603-428-2226

Any student with a valid ID may borrow up to \$60 through the Office of Student Financial Services from the loan funds for a period of two weeks. These loans are short term and must be repaid within the two-week timeframe to enable other students to use the service. A student may be denied future loans if prior loans are not repaid in a timely manner.

### **SECTION XIII. STUDENT RIGHTS**

Rights of New England College students are the same as the rights of any other citizen, except where otherwise indicated. There are certain responsibilities that are assumed by each student when they become a member of the New England College community. Individual rights, in some cases, however, may not supersede the rights of others within the College community.

#### **Right to Pursue Learning**

The right to pursue learning in and out of the classroom.

#### **Right of Expression**

The right to express views in a responsible manner.

#### **Right to Due Process**

The right in major level conduct matters to receive notification of policy violations, date and location of hearing, opportunity to participate in a fair hearing, and right to appeal matters of judgment of academic performance and personal conduct.

#### **Right to Federally Mandated Information**

The right to information that is in compliance with federally mandated reporting requirements of Colleges. This includes information required through the Annual Security Report, Campus Crime Statistics, Drug Free Schools and Community Act of 1989, and Campus Sex Crimes Prevention Act.

#### **Right to Participate in Student Governance**

Students have the right to participate in institutional governance and policy formulation. The Student Senate is the student governing body of the College operating under a constitution approved by the President and responsible to the President. It is an advisory body only, since all its acts must receive the approval of the College President before they become operative. The President, by law, is the only person authorized to make such changes since the President is charged legally with overseeing the entire operation of the College.

#### **Right to Non-Discrimination**

Every student has the right to pursue their educational interests in an environment free from discrimination and harassment and where personal dignity and respect are valued. Violators of these codes of conduct will be subject to appropriate disciplinary action. It is the policy of New England College, in accordance with federal and state laws and regulations, not to discriminate on the basis of race, color, religion, sex, national origin, gender identity and expression, sexual orientation, age, veteran's status, or disability in any of its programs and activities. Inquiries, grievances, and requests for more information concerning this policy should be addressed to the Dean of Students.



## **SECTION XIV. STUDENTS' RIGHT TO KNOW (CLERY)**

### **Security and Crime Statistics**

The New England College Department of Campus Safety is a capable, professional department that serves students' needs and helps ensure a safe, secure environment. If you would like more information about safety at New England College, please contact the Director of Campus Safety at 603-428-2323. The following statistics are reported criminal acts required (and defined) by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime

The Statistics Act (Clery Act) is under the authority of the Office of Postsecondary Education of the U.S. Dept. of Education. (For additional information, go to <http://ope.ed.gov/security>.) Please be aware that these statistics reflect incidents that have been reported to the Campus Safety Department during specific calendar years. The department of Campus Safety at New England College will investigate any questionable behavior that comes to their attention. However, it is important to note that some victims prefer not to report incidents to Campus Safety but choose to confide in other confidential sources. As required by the Federal Campus Safety and Security Act of 1991, a statistical report on campus crime at New England College is available upon request. The time period covered by these statistics is January 1 through December 31 for the year(s) listed.

Victims or witnesses to a crime are encouraged to file a report of the incident. Reports can be filed on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics by contacting the Department of Campus Safety or the Office of the Dean of Students. Reports are kept in a secure location in those two offices. Names of victims or witnesses are not disclosed in the crime report.