

# REPORTING ALLEGATIONS OF PROHIBITED CONDUCT

Subject to the provisions under the effectuating regulations of Title IX of the Education Amendments of 1972 34 CFR§106, any member of the University, department, organization, or entity may report an incident or file a complaint alleging a violation of the Student Code of Conduct against a student or recognized organization to the University. The person filing a complaint shall be referred to as the reporting party (or reporter). The student who is subject to the alleged behavior shall be referred to as the Complainant. The person alleged to have violated the Code of Conduct shall be referred to as the Respondent.

No report will be referred for disciplinary action unless there is reasonable cause to believe there has been a violation of policy. Reasonable cause is defined as reliable information to support each element of the violation, even if that information is merely a credible statement. The Director will assess the credibility of available information and determine if a report is wholly supported or unsupported by any such information.

The following procedures do not apply for alleged violations of the Academic Integrity Policy. Refer to the Academic Honesty policy found in the Academic Policies section within this handbook for information on those procedures. Information on how this process is modified for reports of sexual misconduct can be found in the Procedures for Responding to Sexual Violence, Sexual Harassment, and Related Offenses section within the Additional Provisions section of this Code of Conduct.

1. **Preliminary Review.** Upon receipt of a complaint, the Director shall conduct a preliminary review into the nature of the reported incident, complaint, or notice to determine if there is jurisdiction to adjudicate the complaint and to what extent. Within the University's discretion, a preliminary review may lead to:
  - a. A determination that there is insufficient information to initiate an investigation or the alleged misconduct, even if proven true, would not violate the Code of Conduct.
  - b. Referral to another office or external entity for the appropriate response or bypass the conduct process and recommend an alternative resolution such as mediation or educational conversation.
  - c. Deferral of the conduct process, with or without conditions; however, when cases involve a threat to personal or environmental safety, an interim or exclusionary action to adequately mitigate risk may be taken immediately during the pendency of an investigation and/or adjudication process.
  - d. Referral to the designated official within the appropriate jurisdiction for resolution through the conduct process when the alleged misconduct has met the threshold of a potential policy violation.
2. **Anonymous Reporting.** To the extent possible, Community Standards will maintain anonymity when reasonable or when there is fear of retribution or a true safety concern. Reporters should know that anonymity may impact Community Standards' ability to investigate alleged misconduct and ensure appropriate outcomes. In some situations, anonymity may not be possible, and Community Standards may be required to investigate alleged misconduct, even against the wishes of the reporter. Community Standards staff members are not considered confidential resources and have a responsibility under applicable law(s) and university policy to report
  - sex and gender-based misconduct, discrimination, and harassment to the Civil Rights and Equity Office.
3. **Timelines.** To promote timely and effective review, students who have been harmed by, witness to, or have knowledge of a potential violation of the Code of Conduct are encouraged to report as soon as possible. A delay or prolonged passage of time may impact the University's ability to gather relevant and reliable information, contact witnesses, investigate thoroughly, and respond meaningfully. Absent extraordinary circumstances, incidents reported later than twelve (12) months after the alleged occurrence are subject to dismissal for good cause shown. If the student accused of violating the Code of Conduct is no longer a student at the time the complaint was received, either because the student graduated or left the University permanently, the Director is unable to pursue resolution. The Director will assess whether any remedial steps can be taken to address any prohibited conduct or its effects on the university community. Generally, this time limitation does not apply to complaints of sexual misconduct or other protected class discrimination and harassment.
4. **Effect of a Pending Report of Violation or Charges.** A Respondent who is ineligible to register for or attend classes at any one USNH institution because of a pending student disciplinary charge shall be ineligible to register for or attend classes at any other USNH institution for as long as the charge remains pending.
  - a. If a respondent has withdrawn or withdraws after the initiation of charges, the University will either:
    - i. place a hold on the student's academic record and notify the student that disciplinary action may be initiated upon application for readmission; or
    - ii. proceed with disciplinary action and resolve the matter.