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INTRODUCTION

The Student Handbook applies to all registered Kenzie Academy and Career Choice students. Students who attend classes offered through Kenzie Academy are considered Kenzie Academy students. Students who attend classes offered through their employer are considered Career Choice students.

Changes in the content of the handbook may be made at any time by Kenzie Academy from Southern New Hampshire Kenzie Academy administration. Whenever possible, adequate notice of anticipated changes will be given. Kenzie Academy expects students to be familiar and comply with all policies and procedures contained within the Student Handbook, as failure to read and understand this document does not excuse students from the rules, policies, and procedures contained within it.

The Student Handbook pertains to all students for the 2021-22 academic year.

There are three central places for students to locate the policies and expectations that will apply to them throughout their education. These resources are the:

- Kenzie Catalogs
- [Kenzie Consumer Information](#)
- Student Handbook

Student Rights and Responsibilities

As a community of people, Kenzie Academy is committed to helping students achieve their goals to gain education to apply in a technology field of study. As an institution, Kenzie Academy's purpose is to ensure all students have an equal opportunity to fulfill their intellectual potential through courses offered through Kenzie Academy. Certain rights and obligations are inherent in membership in any academic community committed to such goals:

- The rights of personal and intellectual freedom
- Strict respect for the equal rights and dignity of others
- Dedication to the scholarly and educational purposes of Kenzie Academy and participation in promoting and ensuring the academic quality of the institution

Students and recognized clubs/organizations are responsible for obtaining, learning, and observing the established academy policies as listed in all official publications. In addition, students must comply with the legal and ethical standards of the institution, as well as those of the state of Indiana and any other laws, rules, and/or regulations of other relevant jurisdictions. All members of the community must inform the appropriate official of any violation of conduct regulations. All students have the right to:

- Redress grievances
- Have respect from other
- Have a fair and equitable hearing process pursuant to Kenzie Academy policies and the provisions of this handbook
- Ask for advice and/or assistance

- Challenge prejudicial treatment and comments
- Be themselves and to be proud of their backgrounds

Right to Procedural Fairness

Pending action on any alleged violations, the status of students and recognized clubs/organizations will not be altered, nor their rights to be present on campus and/or to attend classes suspended, except to protect the health or safety of students or staff, or to safeguard academy property. Only the senior leadership may make such a determination and direct provisional suspension.

Right to Privacy

The policies and procedures concerning the privacy of student records maintained by Kenzie Academy from Southern New Hampshire University are in large measure governed by the federal government's Family Educational Rights and Privacy Act (FERPA). Kenzie Academy's policies and procedures are posted by the Office of the Registrar.

Except when requested by a student or required by federal or state regulations, an educational record will not include information concerning race, religion, nationality, political or social views, or memberships in organizations. Directory information (name, address, telephone numbers, program, etc.) may be released or published. State agencies and other educational agencies conducting surveys and studies for Kenzie Academy will ordinarily have access to a student's record without the written consent of the student concerned.

Another exception provides that parents/legal guardians have the right to view and request copies of their child's educational record without their child's consent, providing that the child is dependent upon the parents for federal income tax purposes. A student may waive the right of access to recommendations for admission to Kenzie Academy and for employment on file with the Kenzie Academy. Kenzie Academy may not require a student to waive this right nor may the student's status at Kenzie Academy depend upon waiving this right.

Campus Citizenship Responsibility

Students have certain rights to access facilities, campus resources, and involvement opportunities. With these rights comes the expectation that each student understands his/her/their role, rights, and responsibilities as a member of the greater Kenzie Academy community. Students are expected to familiarize themselves with the policies and regulations of the Student Handbook

Civility Responsibility

Each individual as part of the Kenzie Academy community has the right to free speech. This right, however, does not override the responsibility of each individual to respect the personal rights of other students, facilitators, subject matter experts, staff, administrators, and visitors. All members of the Kenzie Academy community are expected to demonstrate courtesy and politeness in their speech and behavior in public venues. Offensive language, offensive conversations, inappropriate gestures, or offensive visual representations are considered disrespectful of oneself and others and are not appropriate for public venues. Public venues include the administrative and academic Kenzie Academy building and online communities.

Non-Discrimination, Equal Access, and Equal Opportunity Statement

Consistent with all applicable federal and state laws, rules, regulations and ordinances (e.g., Title III, Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act as amended), and in recognition of its responsibilities to its faculty, staff, and students as well as to the communities in which it operates, Kenzie Academy from Southern New Hampshire University reaffirms its continuing commitment to afford qualified or qualifiable individuals equal access and equal opportunity within Kenzie Academy. To ensure equal access and equal opportunity, Kenzie Academy from Southern New Hampshire shall not discriminate against any individual or group because of race, color, creed, ethnicity, sex, religion, national origin, citizenship, marital or parental status, disability (including intellectual disability), age, gender, gender identity or expression, sexual orientation, pregnancy, veteran/military status, genetic information, or on any other legally prohibited basis.

Accessibility Services

In accordance with Section 504 of the Rehabilitation Act of 1973, Title III of the Americans with Disabilities Act (ADA) of 1990, and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Kenzie Academy from Southern New Hampshire does not discriminate on the basis of disability, including intellectual disability, in admission, treatment, or access to its programs or activities, nor does it discriminate in employment in its programs or activities.

It is the responsibility of all Kenzie Academy staff, faculty, and students to adhere to the practice of equal access to opportunities affiliated with the institution.

Kenzie Academy prohibits unlawful discrimination on the basis of disability and takes action to prevent such discrimination by providing reasonable accommodations to eligible individuals with disabilities.

The guidelines Kenzie Academy uses for documenting a disability and determining necessary and appropriate accommodations. Accommodations may differ depending on the type of coursework and the platform upon which it is offered.

We work diligently to detect and correct accessibility issues before they become barriers. However, if you encounter an accessibility barrier, please contact the appropriate resource identified below for assistance.

Accessibility Resource

Tech Support

Users experiencing technical difficulties should contact the helpdesk@kenzie.academy for Resolution.

Public Accessibility

If you are a member of the public with a disability requiring an accommodation, please contact the ADA Compliance Team at Kenzie Academy at adacompliance@kenzie.academy.

Electronic Accessibility

In accordance with Kenzie Academy from Southern New Hampshire University's [Electronic and Information Technology Accessibility plan](#), Kenzie Academy has a responsibility to create, obtain, and maintain all electronic and information technology (EIT) in a manner that ensures it is accessible to individuals.

Please contact adacompliance@kenzie.academy with any questions.

All students with disabilities who are involved in the student conduct process, including Complainants, Respondents, Advisors, and witnesses may seek accommodations for any stage of the student conduct process. If a student requests reasonable accommodations to participate in the student conduct process due to his/her/their disability, the student should:

- Notify the Director the Accommodation and Dispute Resolution or Academic Integrity team member, within 2 business days before his/her/their hearing

These Notices allow the Community Standards staff member, Office of Dispute Resolution, Student Conduct, and Academic Integrity staff member, or designee to determine if a postponement of the hearing is necessary while the accommodation is reviewed. It also allows the director of the respective Accessibility Center to request supporting documentation and student input in order to determine what accommodation, if any, is appropriate under applicable standards. The director of the appropriate Accessibility Center will share the decision and any recommendation for implementation of the accommodation(s) with the student and the Office of Dispute Resolution, Student Conduct, and Academic Integrity staff member, or designee.

Conditions of Enrollment

Certain conditions must be met in order to be enrolled at Kenzie Academy and to function as a member of the community. Failure to meet and maintain these conditions may result in a hold against future registration and/or termination of a student's current enrollment. If a student's enrollment is terminated for failure to fulfill conditions of enrollment, he/she/they may not be present in the educational environment on campus or online, or use academy resources without the expressed permission of the senior leadership. In addition, the student will not be eligible for a refund of any portion of the Kenzie Academy expenses listed by Student Financial Services.

- **Accuracy of Academy Records:** Students are expected to provide accurate and complete information on all Kenzie Academy forms and documents, including applications for admission and financial aid, references, reports, local and home addresses, and other types of records.
- **Completion of Registration:** Each term students must complete their registration with Kenzie Academy before they are recognized as enrolled and active students.
- **Financial Obligations:** Students are held responsible for all obligations that they have incurred with Kenzie Academy. Failure to comply with this policy, without prior granted permission, may result in a hold placed against the release of the student's grades, diploma, and/or transcript. Students may also be restricted from registering for future terms until their

financial obligations have been met.

- **Communications with Kenzie Academy:** Students are expected to check their Kenzie Academy-assigned email accounts and use that account for all communication with the Kenzie Academy and its facilitator, subject matter experts, and staff. This is the primary communication system used during the semester when classes are in session.
- **Identification Responsibility:** Students are expected to carry identification when visiting one of the Southern New Hampshire University Regional Centers or Kenzie Academy and be prepared to verify their identity when requested. All students are expected to represent themselves truthfully in all interactions with Kenzie Academy.
- **Computer Requirements:** Students are expected to have a computer that meets the computer requirements of Kenzie Academy. These requirements are maintained by academic staff with the goal of reducing risks that could disrupt the learning experience and slow progress toward goals. These requirements are designed to prevent avoidable bugs, incompatibilities, and performance issues in student hardware and software.

Use of Summary Suspensions and Interim Measures

Students who are alleged to have been involved in a significant violation of an academy policy may be suspended in the interim pending a hearing, if the senior leadership deem it necessary. Kenzie Academy may also impose other interim measures including, but not limited to, restricted access or restricted contact orders. Determinations will be based on the nature of the alleged violation and/or any potential on-going threat to any individual or community.

STUDENT CODE OF CONDUCT

Kenzie Academy is a community of learners in which the ideals of freedom of inquiry, freedom of thought, freedom of expression, and freedom of the individual are sustained. However, the exercise and preservation of these freedoms and rights requires respect for the rights of all in the community to enjoy them to the same extent. In a community of learning, willful disruption of the educational process, destruction of property, and interference with the orderly process of Kenzie Academy from Southern New Hampshire University as defined by Kenzie Academy administration or with the rights of other members of Kenzie Academy cannot be tolerated. Students enrolling in the institution assume an obligation to conduct themselves in a manner compatible with Kenzie Academy's function as an educational institution. To fulfill its functions of imparting and gaining knowledge, Kenzie Academy retains the power to maintain order within the community and to remove those who are disruptive to the educational process. The policies listed below describe and explain prohibited conduct as well as outline behavioral expectations.

Authority of the Kenzie Academy

The Student Code of Conduct applies to all students and recognized clubs/organizations as they are defined in this document. Kenzie Academy exercises jurisdiction over student behavior that occurs on Kenzie Academy premises, sponsored events, or off-campus locations or regions unaffiliated with Kenzie Academy. Additionally, all violations of the Student Code of Conduct that occur within the Southern New Hampshire University and Kenzie Academy email system, the learning management system, MyKenzie, direct assessment competency-based education learning environment and community, or any other electronic means of communication prescribed by subject matter experts and facilitators as it pertains to classwork, research, or communication fall under the jurisdiction of Kenzie Academy. Behavior that conflicts with Kenzie Academy expectations may subject students to a hearing pursuant to the Student Code of Conduct. These behaviors are actions that violate the Student Code of Conduct, local, state, or federal laws, or could adversely affect the educational mission of Kenzie Academy or its relationship with the surrounding community. This applies to students acting on their own volition, as well as recognized clubs/organizations.

When a student withdraws or takes a leave of absence from Kenzie Academy after engaging in conduct that may violate the Student Code of Conduct, and the alleged violation has not been adjudicated through the hearing process, a hold will be placed on the student's record and the student will be banned from campus and all other educational environments. The hold will prevent a student from re-enrolling at Kenzie Academy until the alleged violations have been resolved.

Every effort is made to ensure that the information in the Student Handbook is accurate and up-to-date, but it may not reflect most recent policy updates. Kenzie Academy reviews and updates the Student Handbook on an annual basis, publishing a new edition prior to the start of the academic year. Kenzie Academy reserves the right to make necessary changes prior to the yearly revision and will notify the campus community.

Terms and Definitions

Throughout the Student Handbook, the following terms are used. Students should familiarize themselves with their meanings.

- **Admission of Responsibility:** A Respondent's willingness to admit to a violation of the Student Code of Conduct by holding himself/herself/themselves accountable

- **Club or Organization:** Any group of students who have formed a recognized club or organization that has been authorized by the Kenzie Academy
- **Complainant:** The individual who brings forward a complaint or files a report alleging a violation of the Student Code of Conduct
- **Community Standards:** The Kenzie Academy's community behavioral expectations for students, as well as the name of the team responsible for investigating and adjudicating alleged violations of the Student Code of Conduct and Academic Integrity policies
- **Facilitator/Subject Matter Expert (SME):** Any person hired by, or contracted with, Kenzie Academy to conduct instructional activities and/or assess student's academic work
- **Hearing:** The process through which an allegation of a policy violation is reviewed that then results in a Finding and/or Sanction being communicated to the student

Hearing types include:

- **Administrative Hearing:** Where a student connects with a staff member one-on-one, either physically or electronically, to address an incident with the intention of determining responsibility and, when applicable, an appropriate Sanction

Depending on the nature or timing of the alleged violation, student participation in the administrative hearing process could occur either before or during an investigation or at the point of appeal.

- **Conduct Board Hearing:** Where a student has the opportunity to share evidence with a committee before a determination of responsibility is made

Hearings of this type are typically reserved for complex cases or for cases that could result in a separation from Kenzie Academy.

- **Hearing Officer:** Any person or persons authorized by senior leadership or designee to determine whether a student has violated the Student Code of Conduct and to impose Sanctions where appropriate
- **Respondent:** The student alleged to have violated the Student Code of Conduct
- **Sanction or Conduct Standing:** Kenzie Academy's formal response to a student for a found violation (e.g., a warning, reprimand, or suspension)
- **Staff:** Any person employed by Kenzie Academy, with the exception of student employees
- **Standard of Proof:** The burden of proof is on Kenzie Academy to show that the student is responsible for the violation or a pattern of misconduct. The rules of evidence applicable to civil and criminal cases do not apply. The decision will be made based upon a preponderance of the information presented – whether a violation of a Kenzie Academy policy more likely than not occurred.
- **Student:** Any person taking courses at or through Kenzie Academy, including full-and part-time attendance, distance learners enrolled in online courses pursuing a certificate or professional studies, and people who are not enrolled but have an academic relationship with Kenzie Academy or Southern New Hampshire University

In addition, persons who are not enrolled but are satisfying incompletes, persons who are taking classes but are not officially admitted to Kenzie Academy at Southern New Hampshire University, or persons who are enrolled in continuing education courses and workshops

- **Kenzie Academy:** Kenzie Academy is an affiliate of Southern New Hampshire University

Conduct Standing and Sanctions

When students are found to have violated a policy, the Kenzie Academy's first priority is to respond by providing or mandating supportive and educational tasks designed to help the student make more informed choices. Second and equally important, Kenzie Academy makes a change to the student's conduct standing. This categorization represents the progressive conduct model, which increases punitive measures as the severity or frequency of a behavior increases. A student's conduct standing may range from warning to dismissal. Students are considered as being removed from "good standing" at the level of Kenzie Academy's probation. This section is designed to offer guidance regarding conduct standing and Sanctions. However, Kenzie Academy reserves the right to use its discretion in all aspects of a conduct case, including changes to conduct standings and Sanctions. When warranted, Southern New Hampshire University's Office of Conduct and Dispute Resolution will investigate cases.

The following are examples of conduct standing statuses and Sanctions that may be imposed for violation of a policy:

- **Warning:** A warning consists of formal notification that the student has violated Kenzie Academy community standards and advises that repetition will result in a more severe Sanction.
- **Reprimand:** At this increased standing, students understand a formal reprimand is in place.
- **Probation:** This Sanction is the most serious warning for violation of Kenzie Academy regulations prior to suspension, and it places limits on the student's good standing with Kenzie Academy. Students on probation may be limited in their ability to attend Kenzie Academy programs. If the student is found responsible for violating any Kenzie Academy policy during the probation period, suspension may become effective and the student may be subject to additional Sanctions. Students are considered as being removed from "good standing" at the level of probation. Some departments may not hire students on probation.
- **Suspension:** Kenzie Academy suspension means that the student is dismissed from Kenzie Academy for a given period of time, with an opportunity for re-admission. If suspended from Kenzie Academy, the student will be persona non grata in the Kenzie Academy building, all Southern New Hampshire University Kenzie Academy facilities, and online environments and from all Kenzie Academy functions for the period of his/her/their suspension. This Sanction may only be imposed by the Director of Student Accommodations and Dispute Resolution or designee, or Assistant Vice President of Dispute Resolution and Student Conduct, or designee after a hearing at Kenzie Academy from Southern New Hampshire University. Pending action on any disciplinary allegations, the status of students shall not be altered, nor are their rights to continue working toward a degree suspended, except to protect the well-being of students or

staff. Only the Vice President of Academic and Product Design, Director of Student Accommodations and Dispute Resolution, or Assistant Vice President of Dispute Resolution and Student Conduct at Southern New Hampshire University may make such a determination and direct provisional suspension.

- **Academy Dismissal:** If a student is dismissed from Kenzie Academy, he/she/they is permanently dismissed from Kenzie Academy without opportunity for readmission. If dismissed from Kenzie Academy, the student will be persona non grata in the Kenzie Academy building, all Kenzie Academy from Southern New Hampshire University facilities, online environments, and all Kenzie Academy functions.

As this model is presented in increasing severity, it should be noted that violations may be cumulative. A student's prior conduct history and length of time between violations are factors considered when selecting a conduct standing.

In some cases, a standing may be held in abeyance. This means that the suspension will not be enforced immediately, but is "in place." This conduct status requires that specific conditions be fulfilled. Any violation of those conditions will result, at a minimum, in immediate enforcement of the suspension without a hearing. It may also result in further conduct action.

Educational Provisions

Many factors are considered when deciding supportive or educational Sanctions to accompany a student's conduct standing: The current violation, past conduct record, previous Sanctions that may exist, and the level of understanding the student demonstrates regarding his/her/their conduct. It is possible that a student's participation eligibility may be limited for activities, placement workshops, and speaker events if the student is not in good conduct standing.

The list of Sanctions below is meant to be illustrative, not exhaustive. Kenzie Academy reserves the right to create additional Sanctions based on the nature of the misconduct. Sanctions may include, but are not limited to:

- **Behavioral Agreement/Contract:** In certain circumstances, a behavioral agreement is developed by a member of the Kenzie Academy staff outlining specific behaviors acceptable among all Parties involved.
- **Educational Letter:** This student Sanction is informal in nature. While the educational letter reads much like a warning in that it identifies a particular violation of a policy, the intention is to use the violation as a learning opportunity for the student. An educational letter is part of a student's record in case a similar violation occurs in the future, though it is not reported as a violation should an outside agency inquire about a student's conduct record.
- **Community Service:** This Sanction may be imposed when the student's actions have infringed on the community in some manner necessitating the student provide positive service back to the Kenzie Academy community. The amount of service and deadline for completion will be described in the written notification to the student.

- **Educational Sanctioning:** This non-punitive Sanction is meant to encourage learning or reflection and may include follow-up discussions, code reviews, rewriting code, etc. The educational Sanction must be completed within the manner and time stated as part of the Sanction. Participation in certain programs may be withheld or restricted until educational Sanctions are completed.
- **Alcohol Restriction:** In cases where students are found responsible for major alcohol violations, students found responsible will be Sanctioned individually based on their previous violations of the Kenzie Academy's alcohol or other drug policies.
- **Loss of Privileges:** Students may not be allowed use of facilities, services, or access to online and in-person activities for a designated period of time. Examples include, but are not limited to, loss of attending speaker events, attending career fairs, or participating in study halls.
- **Removal from Class:** Students may have access removed from classes or online environments if their actions are deemed detrimental to the educational environment.
- **Restitution:** Students may be required to pay the full cost of damages. This could include the cost of materials and labor for repairs. In addition, restitution could include the cost of replacing damaged, destroyed, or stolen property, as well as compensating Kenzie Academy for any lost or stolen time.
- **Access Restriction:** Students may be denied access to any campus building, room, activity, class or program, computer and network resources, or denied other student privileges.

Individual Student Conduct Standards

Filing a Report

When the Student Code of Conduct may have been violated, an [incident report](#) is filed by a student, faculty, staff, or community member who becomes aware of, observes, or is the Complainant of the incident. This report is reviewed, and, if necessary, the student is directed to attend a hearing to determine what, if any, violation may have occurred.

Students have the right to obtain a copy of the incident report upon request. The hearing process is intended to be educational in nature and is based on the concept of due process. The procedures provide for a prompt, fair, and impartial investigation and Resolution. This includes reasonable Notice of the violation in question and an opportunity for a student to be heard.

An incident can be pursued through the hearing process up to one year after the information regarding the violation is discovered, though complaints against former students will not be processed. Reports regarding alumni should be filed prior to their graduation and, when possible, with sufficient time before graduation so that an investigation and hearing can occur.

Reviewing a Report

Review of all alleged violations is overseen by the Community Standards Team, the Student Dispute Office, and Academic Integrity Team, or an authorized designee. Their role is to identify those acts

that may be in conflict with the Student Code of Conduct. Alleged violations are assigned to an appropriate hearing officer. Generally, 48-hour notice is given prior to a meeting/hearing. If circumstances necessitate, the hearing may be scheduled immediately. Written notice of the date, time, location, and allegation(s) is sent to a student's Kenzie Academy email account.

If the student fails to attend the hearing, a decision will be made in his/her/their absence and his/her/their right to appeal the Findings will be forfeited.

Depending on the nature of the report, concerning behavior may be resolved using either an informal or formal method of Resolution. Formal Resolution will always result in a hearing and become part of the student's conduct file. Informal Resolutions may be considered in alleged minor violations and are used at the discretion of the Kenzie Academy staff member reviewing the report. An informal Resolution may transition into a formal hearing for any reason, including new information learned during an informal meeting or when an informal Resolution cannot be reached. Examples of informal Resolution can include:

- **Educational letter, conversation, or agreement**
- **Mediation:** If mediation is deemed appropriate, contact will be made to all Parties involved and an explanation of the process will be offered. If accepted by all Parties, mediation will be viewed as an alternative solution. Should an agreement not be possible, the incident may be pursued through a hearing. All agreements reached through mediation are binding. If at any point the agreement is not fulfilled, the negligent Party may face further conduct action.

Preliminary Meeting

In some cases, it may be appropriate for a Hearing Officer, Public Safety Officer, or other Kenzie Academy and Southern New Hampshire University staff member to meet or speak with students who may have relevant knowledge about an incident. This investigative process allows the responding staff member to make decisions about an informal or formal approach. These meetings also allow Kenzie Academy to collect information in order to meet its burden of proof.

Hearing Guidelines

The use of a formal Resolution requires a conduct hearing. The Community Standards team members, Southern New Hampshire University Dispute Office staff, and Academic Integrity team member, the Director of Student Accommodation and Dispute and Resolution, or an authorized designee determines whether the incident will be handled through an administrative hearing or Conduct Board hearing. Some alleged violations, including violence, Sexual Misconduct, controlled substance use, and patterns of misconduct could result in a Sanction of suspension or dismissal. If the alleged violation could result in separation from Kenzie Academy, the matter may be reviewed by the Community Standards team members, Southern New Hampshire University Dispute Office staff, and Academic Integrity team member, the Director of Student Accommodations and Dispute and Resolution, an authorized designee, or the Conduct Board. Cases may be referred to the Conduct Board when the complexity of the case or allegation is significant. The Community Standards team members, Southern New Hampshire University Dispute Office staff, and Academic Integrity team member, the Director of Student Dispute and Resolution, or an authorized designee determines the appropriate hearing venue. All hearings are closed to the public, with the exception of witnesses who are not Kenzie Academy community members, but who have direct information regarding the incident

or if there are criminal or civil charges pending against the Respondent regarding the incident. These exceptions are made at the discretion of the hearing officer.

Officials who receive annual training on issues related to sexual assault, domestic violence, dating violence, and stalking may conduct investigations into such incidents. Hearing Officers are also trained regarding such issues.

Hearings may be expedited to protect community members. Students who are alleged to have been involved in a significant violation may be suspended pending a hearing, should the senior leadership from Kenzie Academy or designee deem it necessary. The steps below specify the procedures that must be followed when determining if a violation has occurred and assures that due process is followed.

- **Notice:** Students will receive an email from the appropriate Kenzie Academy staff member, committee, and/or team, informing them of a conduct hearing to discuss the incident. Students must be given 48 hours notice for hearings and preliminary hearings. Every reasonable effort is made to contact involved Parties via Kenzie Academy email and/or telephone. The student receives electronic notification indicating the date, time, and location of the hearing.
- **Attendance** If the student fails to attend the hearing, the review will be made in his/her/their absence and the student will also forfeit his/her/their right to appeal the Findings.
- **Presentation** A Hearing Officer/Conduct Board/Community Standards Teams will review the incident reports, and the student will have an opportunity to present his/her/their own case. If the case suggests that an initial investigation should take place due to its complexity, a Kenzie Academy or Southern New Hampshire University staff member will be assigned to complete the investigation.
- **Finding and Sanction** Based upon the information presented, the Hearing Officer/Conduct Board/Community Standard Teams will determine if the student is responsible for the alleged violation(s). Sanctioning is considered only after responsibility has been determined and is based solely on the severity of the violation and a student's previous conduct record. The decision of the Hearing Officer/Conduct Board will be subject to final review by the Community Standards Team, Kenzie Academy leadership, Southern New Hampshire University Dispute Office staff, or designee.
- **Notice of Results** An email with an attached letter notifying the student of the results of the hearing will be sent electronically no later than five business days following the hearing. Additional time may be needed if the case is complicated in nature. A copy of the notification may also be sent to the student's parents, in accordance with FERPA regulations. Decisions made by the Hearing Officer/Conduct Board are final pending the appeal process.

Conduct Board Hearings

The Conduct Board may be composed of subject matter experts, Advisors, staff, and (in non-Title IX cases) students. When a case is referred to the Conduct Board, the Community Standards team member, the Southern New Hampshire University Student Conduct and Academic Integrity Manager,

the Director of Student Accommodation and Dispute Resolution, Vice President of Academic and Product Design, or an authorized designee may offer all involved students a preliminary meeting to prepare for the process. The administrator is available to discuss the incident reports, student's rights, and the hearing process.

In cases assigned to the Community Standards Team that will serve on the Conduct Board, members will participate on a rotating basis. Attendance at hearings ranges from three-to-six Conduct Board members. The Community Standards team member, the Director of Accommodations and Dispute Resolution, the Associate Vice President of Dispute Resolution and Student Conduct at Southern New Hampshire University, or designee will determine the composition of the board and serve as a non-voting Advisor to the board. All Conduct Board members commit to upholding the Student Code of Conduct and respecting the process' confidentiality.

Students participating in a Conduct Board hearing will be given the names of the Conduct Board members in advance of the hearing. Should a student believe that any Conduct Board member is biased or cannot render an impartial judgment, the student may challenge the individual's participation in the hearing. The Community Standards team members, the Associate Vice President of Dispute Resolution and Student Conduct at Southern New Hampshire University, Director of Accommodations and Dispute Resolution, or an authorized designee will rule on such challenges and the decision will be final.

Appeal Process

The appeal process ensures that a student has been treated fairly in the hearing process. A student who has participated in the hearing process and been found in violation of the Student Code of Conduct may file a written appeal. In cases involving sexual assault, both the Complainant and Respondent may file an appeal.

Appeals may be heard by the Community Standards Team, the Associate Vice President of Student Experience at Southern New Hampshire University, an authorized designee, or the appeal board. The Vice President of Academics and Production (or designee) may review the outcome of an appeal and modify the decision with both the ability to increase or decrease the severity of a final outcome. An appeal must demonstrate one or more of the following bases for appeal and explain in detail the support for each basis:

- **New information** is now available that was not known at the time of the hearing. This information may have been sufficient to alter the original decision. This new evidence will be considered only if it is clear that the evidence could not have been known by the student(s) appealing at the time of the original hearing.
- **A procedural error** occurred and the hearing was not conducted in accordance with procedures prescribed by the hearing process. This procedural error impaired a student's right to a fair opportunity to be heard.
- **The severity of the Sanction** is not appropriate for the violation(s) committed and the past conduct history of the student. This is not applicable for minimum standard Sanctions of the

alcohol or other drug policy.

- **The appeal review** is limited to an analysis of the written appeal document, the notes and documents of the initial hearing, and an interview with the original Hearing Officer/moderator or Community Standards team member as needed. The appeal process is not a re-hearing of the case – it is an opportunity for an impartial Panel to review a case and examine potential errors in the process, unduly severe Sanctions, or new information.

If the appeal is based on the appropriateness of the Sanction(s) issued, a complete review of the student's conduct history, including previous Sanction(s), will take place. In cases where new evidence has emerged, this information will be included as part of the review process. If new information or a procedural error has been determined through the appeal process, the case may be referred to another Hearing Officer/Conduct Board to allow for a reconsideration of the original Finding. The new hearing will be scheduled as soon as possible.

If there is reason to believe that the sanctioned student or other members of the Kenzie Academy community are at risk, or a need exists to protect Kenzie Academy property or prevent disruption of the Kenzie Academy's educational process, the senior leadership from their respective campus/program or designee may immediately enforce any or all of the original Sanctions and those Sanctions shall remain in effect pending the final outcome of the appeal.

All decisions resulting from an appeal review are final. Although a verbal notification may be provided to the student, an email notification of the decision is sent within seven business days of the review.

To Submit a Petition for Appeal:

- Students will receive an individual appeal link included in the outcome email they receive from the Hearing Officer/moderator or Community Standards staff member.
- The Petition for Appeal must be submitted within five business days of the decision being rendered.
- If the appeal is reviewed, a decision will be made within 10 business days of receiving the petition. Outcomes could include: upholding the decision, changing the decision, dismissal of the original decision/Sanctions, or granting a new hearing. In cases of sexual assault, Kenzie Academy must notify the Complainant.

Violations of Law

Violations of local, state, or federal law are subject to Kenzie Academy action. A student who has pleaded guilty to or otherwise accepted responsibility for a violation (e.g., probation before judgment, *nolo contendere*, continuation without a Finding, etc.) should be aware that Kenzie Academy may also sanction the student. Withdrawal may be mandated when the conduct suggests that the student presents a danger to the Kenzie Academy community.

Notification of Criminal Arrest

Face-to-face students are responsible for notifying Kenzie Academy of any off-campus arrest. When Kenzie Academy learns of a student arrest, Community Standards staff notify the student that he/she/they must schedule an appointment for an interview with Public Safety. During this interview, the facts involved in the student's arrest, the student's obligation to keep Kenzie Academy informed of the progress of the criminal charge(s), and the student's obligation to advise Kenzie Academy of

the final disposition of the criminal charge(s) are discussed with the student.

Withdrawal When Certain Criminal Charges are Pending

Kenzie Academy may withdraw any student when certain charges are pending against that student, subject to the procedures set forth below. Specifically, withdrawal may be mandated where the crime involves an act of violence; the sale, manufacture, or delivery of drugs; or any other conduct that is egregiously offensive to Kenzie Academy's mission or that presents a danger to the campus community, whether the behavior occurred on or off campus property. Kenzie Academy follows these procedures when initiating an immediate withdrawal over pending criminal charges:

- The student may meet with senior leadership or their designee within three business days from the imposition of the withdrawal. In this meeting, the student must demonstrate that the withdrawal is inappropriate because:
 - The student is not charged with a crime as listed above;
 - The alleged crime, even if proven, has no bearing on any legitimate Kenzie Academy interest; or
 - The withdrawal is too severe a response from Kenzie Academy.
- Senior leadership or their designee decides whether to continue or rescind the withdrawal and communicates this decision to the student within 24 hours of the conclusion of the meeting. The decision is final and may not be appealed.
- The withdrawal may be noted on the student's transcript; however, no conduct record or Sanction is created or imposed solely on the basis of the withdrawal.
- The withdrawal remains in effect until the latter of:
 - The dismissal/acquittal of all pending charge(s) against the student;
 - A full hearing by the student conduct system, if appropriate, of all alleged violation(s) of the Student Code of Conduct relating to the behavior from which the charge(s) derive. In order to hold this hearing, Kenzie Academy must have access to independent information about the case (i.e., police reports, court reports, etc.). In some cases, this may require the student or his/her/their legal counsel releasing the necessary information to Kenzie Academy.
- The withdrawal requirement is a supplement to the interim suspension procedures provided elsewhere in the Student Handbook and in no way limits any rights of Kenzie Academy to impose any additional or different conduct Sanction.

Interim Conduct Action

Students and recognized clubs/organizations who are alleged to have been involved in a major violation of Kenzie Academy policy may be suspended in the interim pending a hearing if senior leadership or their designee deems it necessary. Kenzie Academy may also impose other interim measures including, but not limited to, prohibiting the student or student organization from being on Kenzie Academy property, sponsoring events or programs, attending programs and activities, and using Kenzie Academy facilities. Determinations will be based on the nature of the alleged violation or any potential ongoing threat to any individual or community.

Parental Notification

Kenzie Academy may disclose aspects of a student's education record to the student's parents/guardians in particular circumstances. This notification policy is enacted with the

philosophy that parents/guardians are partners in student development and can assist students in fulfilling their educational goals through the use of open dialogue. In accordance with FERPA guidelines, Kenzie Academy may issue notifications to parents/guardians of students in the following circumstances:

- If a student under the age of 21 at the time of incident is found responsible for violating Kenzie Academy's alcohol or other drug policies or federal, state, or local alcohol and drug laws
- If knowledge of the information is necessary to protect the health or safety of the student or other individuals

Students are encouraged to discuss incidents with their parents/guardians prior to Kenzie Academy notification. Students are responsible for notifying the Registrar Office if they are not considered a dependent.

Conduct Records

Conduct files are maintained online. These files are private records open only to authorized academic staff or administrators. Students may review their own records under the supervision of an appropriate staff member. Students may request copies of incident reports as needed for the preparation of their case for a hearing. Notes from preliminary investigations will not be available for distribution; however, the information could be presented at a hearing.

Conduct records are kept and all applicable information is available to anyone authorized by the student. Kenzie Academy uses its discretion on which, if any, items to disclose to authorized persons after that time. Reviews for outside agencies (e.g., branches of the federal government) doing background investigations are done based upon written authorization of the student. Subpoenas of a student's record are honored. The student will be notified before the records are submitted unless the subpoena specifically directs Kenzie Academy not to notify the student. Only Notices of probation, suspension, or dismissal will be included in the student's record unless the outside agency specifically requests all formal Sanctions.

GENERAL BEHAVIOR POLICIES

Kenzie Academy has established the following categories of prohibited conduct and standards. These policies are in place to ensure the safety and well-being of our community. While the Student Code of Conduct aims to sufficiently detail inappropriate behaviors, it is not possible to account for every possible circumstance. If at any time a student has questions about past or anticipated conduct, they must seek advice from a staff or faculty member. All students are expected to conduct themselves in accordance with standards of good citizenship. Any student found to have committed or to have attempted to commit the following misconduct is subject to the hearing process and Sanctions outlined elsewhere in the Student Handbook.

Acceptable Use Policy

Failing to follow acceptable standards of ethics and conduct in the use of computing resources, including Kenzie Academy equipment, software, and computer accounts. MyKenzie includes all computer and communication hardware, software, and accounts owned by Kenzie Academy. A complete description of the policy can be found in the appendices.

Kenzie Academy requires all students to follow all applicable laws governing copyright, licensing, and intellectual property. This applies to printed, physical, and digital property. Students are expressly prohibited from using Kenzie Academy's networks or computing resources to access peer-to-peer sites that permit unauthorized copying of copyrighted music, photographs, video, or other legally protected materials. Such activities will be treated as violations of the Network Acceptable Use Policy and the Student Code of Conduct, and violations may also be subject to civil and criminal liabilities.

Advertising Policy

Kenzie Academy departments and offices, as well as all clubs and organizations that have attained Kenzie Academy recognition, have the right to advertise programs, events, and fundraising programs according to Student Involvement regulations, including the requirement that each post to advertise to online services such as Slack get approval from Director of Accommodations and Dispute Resolution. For specific guidelines, contact the Director of Accommodations and Dispute Resolution.

Assault

Assault is any physical contact without Consent, or intentionally inflicting bodily harm upon any person or animal, or taking reckless action that results in harm to any person or animal.

Bias Incident

Bias incident is negative behavior committed, in whole or in part, against a person or group based upon a real or perceived affiliation with a protected class. Protected class is defined as persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race, color, creed, ethnicity, sex, religion, national origin, citizenship, marital or parental status, disability (including intellectual disability), age, gender, gender identity or expression, sexual orientation, pregnancy, veteran/military status, genetic information, or on any other legally prohibited basis.

Petty slights, minor annoyances, and isolated incidents (unless severe) of rude, uncivil, or non-collegial behavior generally do not rise to the level of a policy violation, though may still be addressed with a Kenzie Academy official. Academic freedom provides significant space for individuals to express controversial views, teach controversial subjects, and engage in

controversial research. The offensiveness of a particular singular expression, course content, subject of academic inquiry, or research topic, as perceived by some, may not constitute a violation of this policy.

Bullying

Bullying is deliberately hurtful and unwelcomed behavior intended to humiliate, mentally or physically intimidate or injure, and/or isolate or control an individual or group of individuals. It can occur as a single severe and/or pervasive incident or repeatedly over a period of time, intimidating, impeding, and/or interfering with work performance, academic status, or college life.

Bullying may be in the form of:

- **Verbal/written bullying:** Sarcasm, teasing, name-calling, insults, taunting, or other abusive, threatening, derogatory, or offensive remarks
- **Social/relational bullying:** Intentionally hurting someone's reputation or relationships, including:
 - Excluding or isolating someone on purpose
 - Promoting rejection by others
 - Spreading rumors
 - Embarrassing someone in public
- **Cyberbullying:** Misappropriate use of any information and communications technology such as the internet, interactive and digital technologies, cell phones, etc., including, but not limited to:
 - Texting, emailing, or phoning unpleasant, threatening, or rude messages or posting similar communication in discussions boards or the learning management system
 - 'Sexting' inappropriate pictures
 - Posting abusive or demeaning comments on social networking sites, in chat rooms, or MyKenzie
- **Physical bullying/abuse:** Hurting a person's body or possessions, including, but not limited to:
 - Hitting/kicking/pinching
 - Spitting
 - Tripping/pushing
 - Taking or damaging someone's personal property

Damage to Property

Damage to property is damage or destruction of property owned or operated by Kenzie Academy, other students, academic, administration, staff, or guests.

Disorderly Conduct

Disorderly conduct is violent, abusive, indecent, profane, or inappropriate conduct or language. These behaviors are unreasonable at the time of their occurrence and interrupt teaching, research, administration, community living, hearing proceedings, and/or other activities. This includes, but is not limited to, disruptive behavior in all Kenzie Academy physical and online spaces, including on and off campus.

Disrupting Community Relations

Disrupting community relations is failure to abide by both Kenzie Academy regulations as well as local, state, and federal laws. It is expected that individuals and groups take reasonable preventative measures to ensure that all Kenzie Academy policies are followed. Disrupting community relations applies to behavior that occurs anywhere off-campus, not just places

immediately adjacent to campus property. This may be any place in the world where a behavioral incident occurs, as well as online.

Disruptive Gatherings

Disruptive gatherings involve hosting a disruptive gathering, whether on or off campus. Examples include, but are not limited to: gatherings that result in a noise complaint, those that are disruptive to neighbors in any way, and excessive attendance beyond what is safe and/or reasonable. All individuals must take reasonable preventative measures to ensure that all attendees behave appropriately.

Endangering Acts or Behavior

Endangering acts of behavior are acts of engaging in conduct that creates or causes a situation that may result in threat or harm to a person, including himself/herself/themselves.

Failure to Comply

Failure to comply is not abiding by the direction of Kenzie Academy officials (public safety officers, administration, or any staff,) in the exercise of their duties, including both written and verbal instruction.

Fire Safety

Breaching campus fire safety, is included, but is not limited to, any of the following fire safety policies:

- Setting a fire (including charring, burning, lighting of papers, or any other act that could cause a fire), causing or creating a false alarm, or other such intentional or reckless conduct that causes harm or reasonable apprehension of harm to a person or property

Damage to property will be prosecuted as arson whenever appropriate.

- Misusing, tampering with, or damaging fire safety equipment is prohibited, including:
 - Removing, discharging, or damaging fire safety equipment
 - Suspending items from a ceiling, overhead wires, pipes, and sprinkler heads
 - Covering smoke detectors, sprinkler heads, electrical outlets, or lights
- Students will pay restitution for the costs associated with activating false fire alarms. Anyone found discharging a fire extinguisher for reasons other than a fire will face conduct action and will be held responsible for the costs related to damage of property, clean up, and recharging the affected fire extinguisher(s).
- Failure to evacuate Kenzie Academy buildings during a fire alarm
- Possessing anything in the nature of fireworks or explosives on any property owned or operated by Kenzie Academy

Students may not ignite or detonate anything that could cause damage by fire, explosion, or similar means to persons or property.

Fraud, Lying, or Misleading

Lying or fraudulent misrepresentation regarding any transaction with the Kenzie Academy or an outside entity, whether oral or written. This includes filing a malicious or frivolous complaint.

Harassment or Discrimination

Discrimination is defined as action(s) which deny an individual the benefits of educational activities, employment, or any other benefits or entitlements which would otherwise be available to

them as a member of the Kenzie Academy community on the basis of a protected characteristic or the belief that they are a member of a protected class and include unwelcomed verbal and/or physical conduct – on the basis of race, gender identity or expression, religion, ethnic origin, age, veteran or marital status, sexual orientation, or disability – directed toward an individual with the purpose or effect of humiliating and/or intimidating an individual or impeding and/or interfering with work performance, academic status, or college life. Kenzie Academy considers acts of harassment or discrimination as very serious. Any Retaliation against an individual filing a complaint or for cooperating in an investigation of such a complaint is similarly prohibited and will not be tolerated.

Hazing

Hazing is any action or activity that does not contribute to the positive development of a person; inflicting or intending to cause mental stress, bodily harm, or anxieties that demean, degrade, or disgrace any person. Hazing may be perceived by a reasonable person as likely to cause physical or psychological injury to a person as a condition of initiation into, admission into, continued membership in, or association with any organization or group. All forms of hazing on the part of any student/student group or team are prohibited. The express or implied Consent of the Complainant is not a defense. Students and student groups are also prohibited from knowingly participating in and/or failing to report hazing to Kenzie Academy authorities.

Implied Consent

Awareness of, or in the presence of a violation of Kenzie Academy policy and remaining in the presence of and/or failing to take reasonable actions to stop the violation, communicates Consent to the violation and makes the witness a Party in the violation – additionally, encouraging or assisting anyone in violating any Kenzie Academy policy (e.g., giving someone access to Kenzie Academy online resources after being removed).

Inappropriate Use of Technology

Inappropriate use of technology is using a device to make an audio or video recording of any person without his/her/their prior knowledge or Consent, when such a recording is likely to cause injury or distress. Students are also responsible for any online communication or representation in social media, including engaging in phishing and spamming schemes. Pictures tagged by others or messages posted on one's social media account can be used in investigations by Kenzie Academy, local, state, and federal authorities. The institution does not actively search these online communities for information; however, any behavior that violates the Student Code of Conduct that is brought to the attention of a Kenzie Academy official will be investigated.

Misuse of Kenzie Academy Documents

Misuse of Kenzie Academy documents involve forgery, alteration, or misuse of any Kenzie Academy document. Unauthorized access to, disclosure of, or use of any Kenzie Academy document, record, or identification including, but not limited to, electronic software, data and records is forbidden.

Mutual Combat

Mutual combat is fighting in which both Parties have contributed to the situation by verbal and/or physical action. It differs from assault as there is no clear aggressor.

Pattern of Misconduct

Involvement in multiple violations of community standards indicates an inability or unwillingness to adapt to Kenzie Academy's expectations.

Possession of Weapons, and Explosives

Possession of weapons and explosives is possessing, displaying, using, or distributing a

firearm or any other weapon or explosive on property owned by or under control of Kenzie Academy from Southern New Hampshire University. A weapon is defined as an instrument of offensive or defensive combat or something to fight with, and is generally any device capable or thought to be capable of projecting a ball, pellet, arrow, bullet, missile, shell, or other material. This includes, but is not limited to, firearms, bb guns, ammunition, bows, arrows, swords, rockets, sling shots, air guns, paintball guns, personal knives (two-inch blade or greater), electroshock weapons (i.e., tasers), guns that shoot foam arrows/pellets (i.e., Nerf guns), and martial arts devices. When found, these items are confiscated and not returned. Other items may also be considered a weapon, based on the intent of use.

Retaliation

Retaliation, including intimidation, threats, coercion, or discrimination against any individual who has made a good faith complaint, or who has participated in the hearing process is a violation of Kenzie Academy policy. Any community member engaging in Retaliation is subject to conduct action, up to and including dismissal from Kenzie Academy.

Smoking

Smoking is prohibited in Kenzie Academy work areas and public areas as defined below. Smoking includes all nicotine- and/or tobacco-derived or containing products, or non-tobacco or non-nicotine-derived or containing products, including, but not limited to, cigarettes (clove, bidis, kreteks), electronic cigarettes, vaporizers, cigars, cigarillos, and hookah-smoked products.

In addition, smoking is prohibited within 25 feet from any Kenzie Academy building entrance. Work areas are defined as any enclosed location, permanent or temporary, where Kenzie Academy staff and students perform work-related duties in the course of their employment. Public areas are defined as conference rooms, hallways, administrative and academic buildings, and bathrooms.

Theft or Misappropriation

Theft or misappropriation is attempted or actual theft, possession, seizing, or concealing of unowned property. This includes receiving property with knowledge that it has been stolen. Sale, possession, or misappropriation of any property, including Kenzie Academy property, without the owner's permission is forbidden. This policy also applies to stealing time in employment. Any objects that students find must be turned into the Kenzie Academy front desk.

Threat

Threat is any intentional and unprivileged act that places a person in fear of harm that would be painful, injurious, insulting, or offensive. Petty slights, minor annoyances, and isolated incidents (unless severe) of rude, uncivil, or non-collegial behavior will generally not rise to the level of a policy violation.

Unauthorized Access or Forced Entry

Unauthorized access or entry to, into, or onto any Kenzie Academy premises, building, room, structure, or facility, or property owned or operated by Kenzie Academy from Southern New Hampshire University or of private individuals is prohibited.

Unauthorized Use of Kenzie Academy and/or Southern New Hampshire University Name and Logo

Unauthorized use of the Kenzie Academy, Kenzie Academy from Southern New Hampshire University, Kenzie Academy from SNHU, or Southern New Hampshire University (SNHU) name, seal, or logo on any article of clothing, poster, or book in any manner of imprint. Kenzie Academy's name, seal, and logo can imply Kenzie Academy approval of the sale, use, or message of the group or item on which its name or logo appear. As the name, seal, and logo are

exclusive property of Kenzie Academy, any organization or member of the community that wishes to use them must seek prior written permission of the Vice President of Marketing and Admissions.

Unlawful Demonstrations

Unlawful demonstrations involve participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of Kenzie Academy and/or infringes on the rights of others. Leading or inciting others to disrupt scheduled and/or normal activities is also forbidden. All community members must conduct dialogues with dignity and courtesy.

Specifically, demonstrations and expressions of dissent on campus property will not:

- Deny or infringe upon the rights of, or result in harassment of, other students, faculty, or guests of the Kenzie Academy community,
- Disrupt or interfere (by volume, number of participants, banners, or distributed information) with educational or Kenzie Academy mission and goals,
- Result in the defacement or destruction of property owned or leased by Kenzie Academy from Southern New Hampshire University

ALCOHOL AND OTHER DRUG POLICIES

Kenzie Academy does not condone illegal and/or irresponsible use of alcohol and other drugs. Students violating Kenzie Academy policy, including those listed below and elsewhere in the Student Handbook, may be subject to a hearing. Any student found to have committed or to have attempted to commit the following misconduct is subject to the hearing process and Sanctions outlined elsewhere in the Student Handbook.

Distribution of Tobacco Products

Per federal law, no one may distribute to and/or purchase tobacco products for those under 21.

Drinking Games or Acts

Drinking games or acts involve participation in games or activities intended to increase the rate of consumption of alcoholic beverages. Drinking games (including those played with non-alcoholic beverages) or other activities involving rapid and/or excessive alcohol consumption are not allowed.

Hosting that Leads to an Alcohol or Other Drug Violation

Hosting Kenzie Academy students at Kenzie Academy events/functions that leads to an alcohol or other drug violation and to minors possessing or consuming alcohol.

Intoxication/High-Risk Consumption

Intoxication/high-risk consumption is drinking alcohol in a high-risk manner or to the point of intoxication or knowingly serving another person to the point of intoxication, regardless of age. Behavioral symptoms frequently associated with excessive consumption or intoxication may include:

- Impaired motor skills
- Difficulty communicating
- Vomiting
- Glazed/red eyes
- Smell of alcohol on one's breath
- Verbal and/or physical aggressiveness
- Destructive and/or disruptive behavior
- Engaging in any behavior that may endanger oneself or others

The determination of high-risk drinking or an intoxicated state may be based upon physical observation and need not rely on any mechanical, electrical, or chemical sobriety instrument.

Manufacture or Distribution of Controlled Substance

The manufacture or distribution of illegal drugs or controlled substances.

Possession of a Controlled Substance

Possession of a controlled substance involves possessing illegal drugs or controlled substances, including the possession of prescription drugs for other than their intended medical purposes or their possession by a person to whom the medication was not prescribed. As Kenzie Academy follows federal drug laws, Indiana or neighboring state's drug laws do not impact campus policy or enforcement.

Possession of Alcohol in an Open Container

Possession of alcohol in an open container involves open containers of alcohol while in a public place or in the compartment of any motor vehicle. A public place is an area to which the general

public can gain access, including stairwells, hallways, lobbies, patios, any public building, and anywhere outside. In addition, a beverage found out of the original container (e.g., in a cup or water bottle) that looks and/or smells like alcohol is assumed to be an alcoholic beverage. The determination that alcohol is present will be made by the individual reporting the incident. The factory seal of the beverage's original container must be intact to qualify as a closed container.

Possession of Alcohol Paraphernalia

Possession of alcohol paraphernalia involves possession of paraphernalia, including funnels and gaming tables, that supports drinking games or activities intended to increase the rate of consumption of alcoholic beverages; such items will be confiscated by Kenzie Academy officials.

Possession of Drug Paraphernalia

Students are prohibited from possessing illegal drugs and drug paraphernalia in class. The possession of drug paraphernalia, including bongos, hookah pipes, bowls, scales, grinders, pipes, dugouts, roach clips, rigs, or any other items typically associated with the use of controlled substances. Evidence of drug use involving the paraphernalia is not necessary to be charged with possession of the item.

Serving Underage Person(s)

Students of legal drinking age who provide alcohol to minors are considered to be serving underage person(s).

Underage Possession and/or Underage Consumption

Underage possession and/or underage consumption is the acquisition or attempted acquisition, possession (including internal possession), transportation, or consumption of alcohol by anyone under 21 years of age.

Under the Influence of a Controlled Substance/Illegal Drug

Under the influence of a controlled substance/illegal drug involves being under the influence of an illegal or controlled substance at any time while participating in any Kenzie Academy function or educational activity. Indications that an individual is under the influence of an illegal or controlled substance may include, but is not limited to:

- Bloodshot eyes
- Strong odor on one's clothing or breath
- Excessive mood swings
- Excited behavior
- Irrational or erratic behavior that lacks a logical explanation

The determination that an individual is under the influence of a controlled substance or illegal drug may be made based upon physical observation and evaluation of behavior by a Kenzie Academy authority.

Use of Controlled Substance or Evidence Supporting Use

The use or evidence of the use of illegal drugs or controlled substances. The use of prescription drugs for other than their intended medical purposes or their possession by a person to whom the medication was not prescribed is not permitted. The Kenzie Academy official reporting the incident may determine the presence of evidence that would support conducting a search. Evidence of marijuana use may include, but is not limited to, paraphernalia, smell, smoke, seeds, or residue.

Conduct Response to Alcohol and Other Drug Violations

For online students: Community Standards in conjunction with senior leadership determines

the appropriate response for all alcohol- and drug-related violations. The alcohol or other drug policy chart outlines recommended Sanctions; however, specific circumstances may require alternate or more severe responses. The hearing officer reserves the right to create and/or tailor an appropriate response that accounts for prior conduct history.

Educational Responses

Once an alcohol or other drug violation has been adjudicated in the hearing process, portions of the educational response encourage students to reflect and examine their decision-making in order to make more informed future choices. Some of the education include:

- **Alcohol Education:** An alcohol abuse prevention program with information about alcohol and related risks, embedded within a broader frame of lifestyle behaviors
- **Marijuana Education:** A program that focuses on the effects that marijuana has on the brain and other organs and focuses on the social effects marijuana has on a person
- **BASICS (Brief Alcohol Screening and Intervention for College Students):** A harm-reduction preventative intervention designed for college students who drink in high-risk ways and have experienced negative consequences from their use of alcohol

The program uses motivational interviewing and is conducted in two to three individual sessions. It is an intervention strategy that helps a student look at their high-risk behaviors and work toward lowering their risk level, and focuses on the social effects marijuana has on a person.

- **CASICS (Cannabis Screening and Intervention for College Students):** A harm-reduction preventative intervention designed for college students, aimed to reduce risky behaviors and harmful consequences of marijuana abuse. The program uses motivational interviewing and is conducted in two to three individual sessions. It is an intervention strategy that helps a student look at their high-risk behaviors and work toward lowering their risk level.
- **Alcohol or Other Drug Assessment (Internal or External to Kenzie Academy):** Recommended as needed

Students are expected to pay any costs associated with an off-campus assessment. In some instances, these fees may be discounted or covered by a student’s medical insurance.

Minimum Recommended Sanctions for Alcohol and Other Drug Violations

	CONDUCT STANDING	EDUCATIONAL RESPONSE	EDUCATIONAL REFLECTION
FIRST VIOLATION	<ul style="list-style-type: none"> • Warning • Reprimand • Parental Notification 	<ul style="list-style-type: none"> • Alcohol Education/ Marijuana Education 	<ul style="list-style-type: none"> • Follow-up Meeting with Hearing Officer
SECOND VIOLATION	<ul style="list-style-type: none"> • Probation • Parental Notification 	<ul style="list-style-type: none"> • BASICS (alcohol) / CASICS (marijuana) 	<ul style="list-style-type: none"> • Follow-up Meeting with Hearing Officer

THIRD VIOLATION	<ul style="list-style-type: none"> • Extended Probation • Suspension in Abeyance • Suspension Alternative • Suspension • Parental Notification 	<ul style="list-style-type: none"> • Alcohol or Other Drug Assessment (by TALK SPACE or external clinician) 	<ul style="list-style-type: none"> • Follow-up Meeting with Hearing Officer
FOURTH VIOLATION	<ul style="list-style-type: none"> • Suspension • Dismissal • Parental Notification 	<ul style="list-style-type: none"> • Alcohol or Other Drug Assessment (by external clinician) 	

- Sanctions may vary based on conduct history, severity of incident, and length of time between violations.
- The following chart is provided as general guidance only. Each case will be evaluated on its individualized facts and circumstances. Kenzie Academy reserves the right to depart from or decline to follow this matrix at any time when determining conduct standing and educational responses.

Responsible Penmen Policy

Kenzie Academy from Southern New Hampshire University’s primary concern is the health and safety of its students.

Kenzie Academy is aware that students may not seek medical attention for themselves in alcohol- and drug-related emergencies, fearing conduct standing changes (e.g., warning, probation, suspension, dismissal). Likewise, students and student organizations may not seek medical attention for others in such emergencies, worrying about disciplinary consequences for themselves, the person in need of medical attention, or the organization hosting the event where the problem occurs.

By implementing the Responsible Penmen Policy, Kenzie Academy encourages students and student organizations to seek medical attention for themselves or others who experience an alcohol- or drug-related emergency. The Responsible Penmen Policy allows Kenzie Academy to waive a conduct standing change when that student or student organization reports an alcohol- or drug-related emergency with the intention of getting medical or safety assistance for anyone in need of care.

Students who find themselves in a situation where another person requires emergency care should immediately seek assistance from a Kenzie Academy staff member (reporting details needed by emergency response personnel), contact (317) 644-4973 when on-campus, and/or call 911 when off-campus.

Scope of Protection

While a student or student organization who acts as a Responsible Penmen **will NOT see** his/her/their conduct standing changed, the student or student organization will still attend a hearing to discuss the incident. The student or student organization may be mandated to participate in appropriate educational programs, as well as be referred to a substance abuse specialist for assessment, counseling, and/or possible referral for treatment.

The Responsible Penmen Policy applies *only* to those students and student organizations who *proactively* seek medical assistance in connection with an alcohol- or drug-related emergency; this policy does not apply to individuals experiencing an alcohol- or drug-related medical emergency who are found by Kenzie Academy employees.

Because Kenzie Academy takes Sexual Misconduct very seriously, the Responsible Penmen Policy especially applies to Sexual Misconduct Complainants who have also engaged in alcohol or drug use. Kenzie Academy encourages all people to report Sexual Misconduct without fear of punitive action from the student conduct process.

The Responsible Penmen Policy does not shield a student's role as a Respondent in alleged sexual misconduct violations, verbal or physical abuse or harassment, hazing, distribution of controlled substances, property damage, or actions that result in the student's arrest. Students who commit other Kenzie Academy or criminal violations (i.e., vandalism, disorderly conduct, possession of false identification, sale to minors, etc.) associated with the incident may face a change to their conduct standing for those violations.

If the student or student organization fails to attend the hearing or educational meetings, or does not complete the required Sanctions, the student or student organization will see their conduct standing changed as a result of the alcohol- or drug-related violation; additionally, the student or student organization may be charged with the Failure to Comply violation and face an additional conduct hearing.

Other Requirements/Conditions

Abuse of the Responsible Penmen Policy (as defined by Community Standards staff) may force Kenzie Academy to limit its repeated use and assign a change to a student or student organization's conduct standing as a result.

Students or student organizations hosting or sponsoring an event or students attending a Kenzie Academy-sponsored event have a duty to maintain a safe environment for their members and guests. Please refer to the guidelines outlined in the Alcohol Use Policy in the Student Handbook.

Regardless of the applicability of the Responsible Penmen Policy, Kenzie Academy staff will follow their alcohol- or drug-related emergency response procedures, including notifying a student's emergency contact to protect the health and safety of the student.

Important Policy Limitations

Though the Responsible Penmen Policy may apply within Kenzie Academy, it does not prevent action by local and state authorities when the situation warrants outside involvement. Kenzie Academy does not have the authority to dispose of and/or grant legal immunity for controlled substances and will contact local police whenever necessary.

TITLE IX SEXUAL HARASSMENT/KENZIE ACADEMY SEXUAL MISCONDUCT POLICIES

Kenzie Academy does not condone and will not tolerate Sexual Misconduct, Sexual Harassment, or sexual violence of any kind. Kenzie Academy prohibits rape, domestic violence, dating violence, sexual assault stalking, and cyber-stalking, as well as discrimination or harassment based on sex.

To promote a safe and secure campus environment and prevent acts of Sexual Misconduct from occurring, Kenzie Academy engages in ongoing prevention and awareness education programs. All incoming students and employees are required to participate in these programs, and all members of the Kenzie Academy community are encouraged to participate throughout the year in ongoing campaigns and trainings focused on the prevention of Sexual Misconduct on campus.

For the full Sexual Misconduct Policy, please see Appendix B.

Kenzie Academy has adopted the following definition of Sexual Harassment to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well. Acts of Sexual Harassment can be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment

As an umbrella category, Sexual Harassment includes the offenses of Sexual Harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex that satisfies one or more of the following:

- An employee of Kenzie Academy conditioning the provision of an aid, benefit, or service of the Kenzie Academy on an individual's participation in unwelcome sexual conduct (often referred to as "quid pro quo")
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Kenzie Academy's education program or activity; or sexual assault as defined below:
 - **Sex Offenses, Forcible:** Any sexual act directed against another person, without the Consent of the victim, including instances in which the victim is incapable of giving Consent
 - **Rape:** 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

Attempts or assaults to commit rape are also included; however, statutory rape and incest are excluded (each defined separately below).

- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity

- **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity
- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity
- **Sex Offenses, Non-Forcible**
 - **Incest:** Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by law
 - **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of Consent
 - **Dating Violence:** Defined as 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:
 - Length of the relationship
 - Type of relationship
 - Frequency of interaction between the persons involved in the relationship
- **Domestic Violence:** Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of New Hampshire, or by any other person against an adult or youth; Complainant who is protected from that person's acts under the domestic or family violence laws of New Hampshire.
- **Stalking:** Defined as engaging in a course of conduct, on the basis of sex, 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

ONLINE POLICIES

Online Course Etiquette and Communication

Kenzie Academy seeks to foster a supportive and positive learning environment for students; students are encouraged to practice proper etiquette online – active, but respectful discourse – in all courses and course formats, fostering a non-threatening, supportive learning environment so that each student can attain his/her/their educational goals.

All students are expected to adhere to strict course etiquette policies when working in the online environment. Due to the open nature of the discussion forums, students are expected to post professional, relevant responses that are suitable to an academic environment. Since any number of sensitive topics may be discussed, students must maintain an open mind while reading their peers' postings. Students are required to be mindful of and respectful toward the person receiving any communication. Any comments deemed disruptive to the learning environment may be permanently deleted and may result in disciplinary action.

Classroom Attendance Responsibility

Online Students

Online students are required to submit an assessment/assignment to the learning management system during the first week of class. If a student does not submit a posting to the graded assignment/discussion during the first week of class, the student is automatically withdrawn from the course for non-participation. A student who makes a post, even if it is just one post to be graded, and then subsequently stops participating after week one, remains enrolled in the course. It is up to the student to complete the proper withdrawal procedures if he/she/they wishes to withdraw. Automatic administrative withdrawals for non-participation only take place during the first week.

Online Conduct Suspension: Applying for Readmission

Students who have been suspended for conduct or academic integrity violations may apply for readmission after the period of suspension has passed. Students must seek permission to apply by submitting an essay to the Community Standards Team. In the essay, the student must (1) describe the violation, (2) explain what he/she/they learned from the experience, and (3) discuss how he/she/they will avoid repeating the inappropriate behavior in the future.

Within seven business days of receipt of the essay, senior leadership will convene the Conduct Board with as many of the original committee members as possible. If an original member is unavailable, another appropriate member will be selected to serve. The Conduct Board will determine by majority vote whether to approve the student's request to apply for readmission. If approval to apply is granted, the student must apply for readmission through the normal admissions process and meet all admissions requirements. If the student has been previously enrolled in the last 12 months, he/she/they may submit the readmit form to be reinstated.

The decision of the Conduct Board is final, and once a student has been denied permission to apply for readmissions, he/she/they may not seek permission to reapply.

Risk Assessment Team

The Risk Assessment is a group of staff members whose purpose is to establish protocol on how to recognize, report, and respond to situations where online students are displaying seriously disruptive, concerning, or threatening behaviors that may indicate danger to self or others.

Risk Assessment Team members document, review, and assess the level of risk associated with active and non-active threats. When appropriate, members of the Risk Assessment Team will make decisions on actions to be taken and will foster connections across Kenzie Academy to identify any patterns or escalating behaviors that can be a risk to the campus community.

Auxiliary members are engaged with the work of the Risk Assessment Team on a case-by-case basis.

Student Organization Conduct Standards

Students remain subject to the provisions of the Student Code of Conduct and Kenzie Academy policies, procedures, and rules at all times, including while engaged in activities of Kenzie Academy-recognized student clubs and organizations.

In addition, student organizations are held to the same high standards of conduct. Students participating in organized groups should be aware that actions of the group reflect both Kenzie Academy and the group itself. This includes leaders and members, individuals who are authorized or permitted to represent themselves as connected to the group, and guests of the group. As a result, a group may be held responsible for any collective misconduct or the misconduct of any one or more of its leaders, members, group representatives, and/or group guests.

ONLINE ACADEMIC INTEGRITY POLICIES

The following section is a reprint of online's Academic Integrity Policy, also available in the Academic Catalog. In the event of any discrepancies, the policy printed in the Academic Catalog takes precedent.

Standards of Academic Honesty

As an academic community committed to fostering an ethical and intellectual environment, Kenzie Academy from Southern New Hampshire University holds its students to these standards of academic honesty: Kenzie Academy expects that all aspects of a student's educational pursuit are conducted with the highest degree of honesty, accountability for one's own work, and respect for the intellectual property of others. Violations of these academic standards, such as plagiarism and cheating, constitute serious offenses and will result in Sanctions. This policy defines the standards of honesty that students and members of the academic community are expected to follow. In addition, it describes procedures for handling allegations of misconduct and the Sanctions that may result from violations.

Academic Honesty Definitions

The violation of the University's Standards of Academic Honesty constitutes a serious offense. Violations include, but are not limited to, the major categories of academic dishonesty, as defined below:

- **Cheating:** Cheating is the act of deceiving, which includes such acts as: receiving or communicating code from another during an assessment; looking at another's assessments; using code along material from outside sources such as YouTube; or whatever else is deemed contrary to the rules of fairness, including special rules designated by the instructor/reviewer in the course/competency.
- **Plagiarism:** Plagiarism is the representation of someone else's code, ideas, or words as one's own without crediting the source. It is the use, whether by paraphrase or direct quotation, of the published or unpublished work of another without full and clear acknowledgment through proper citation format. The submission of an assignment or parts of an assignment written by someone other than the student, including, but not limited to, other students, commercial organizations, and electronic sources constitutes plagiarism.
- **Misrepresentation:** Misrepresentation is having another student or individual substitute for oneself in any instance.
- **Unauthorized Collaboration:** Unauthorized collaboration is the sharing of work completed for an assignment, project, quiz, or assessment, or answers with another student without the permission of the instructor/reviewer in the course/competency. Examples of unauthorized collaboration include providing students your repos, taking screenshots of fellow students' code, and copying other students' code when sharing in instructional environments.
- **Self-Plagiarism (work done for one course and submitted to another):** Work done for one course and submitted to another refers to work previously submitted at this or any other institution to fulfill academic requirements in another class, to include repeated classes or

outside employment. Slightly altered work from one course that has been resubmitted to another is also considered to be fraudulent. In some instances, the subject matter expert may allow a certain amount of work from a prior course to be repurposed; students who wish to do this must seek express approval from the instructor in advance. Under no circumstances will a complaint be considered if resubmitted work earns a different grade than from the original submission.

- **Other Academic Misconduct:** Other academic misconduct includes, but is not limited to, submitting broken links or empty repositories to assessments/activities, altering academic records, including grades; sabotaging the work of another student; distributing materials for the purpose of cheating; altering, forging, or misusing Kenzie Academy-related documents; intentionally reporting a false violation of academic integrity; and offering a bribe to any Kenzie Academy member in exchange for special consideration or favors.

Academic Honesty Policy Awareness

All members of the Integrity Committee, staff, subject matter experts, and including students in the Kenzie Academy programs have a responsibility to acquaint themselves with the Academic Honesty Policy. Subject matter experts/reviewers and appropriate staff are asked to join in educating students about academic honesty and students are expected to acquaint themselves with the policy.

Subject matter experts/reviewers must know the policy on academic honesty. Further, the policy should be published on syllabi and subject matter experts/reviewers should discuss their own expectations regarding academic honesty on discussion boards or in announcements, as it applies to specific features of a course/competency.

Students are expected to read and adhere to the Academic Honesty Policy, the definitions of Violations of Academic Honesty (above). Students must seek clarification from the subject matter expert/reviewer in the course/competency on any aspect of the Academic Honesty Policy about which they have questions or confusion. Students should remind fellow students about the requirements for academic honesty and are expected to report any instance when another student attempts to inappropriately obtain or use their work or any suspected violation.

Academic Honesty and Process for Violation

General Provisions

The process applies to all Kenzie Academy students. The policy covers all academic conduct, including submitted assessments and activities. Responses to violations of the Academic Honesty Policy are initiated by the course subject matter expert/competency reviewer or any individual or committee with responsibility for a class/competency. Other Kenzie Academy employees, should they suspect a violation of the policy, are expected to bring the suspected dishonesty to the attention of the responsible academic team.

Process for Violation of Policy

When the instructor/reviewer becomes aware of a possible violation of academic honesty, and before imposing a penalty, the instructor/reviewer should notify the student as soon as possible, in writing,

via an email to the student's Kenzie Academy email address, of the suspicion of dishonesty and allow the student an opportunity to informally discuss the situation with him, her or them.

If unsure of the Academic Honesty Policy or in need of help and guidance, the subject matter expert/reviewer is encouraged to consult with the Integrity Committee at integritycommittee@kenzie.academy and the student with his, her or their Advisor.

Filing an Academic Dishonesty Complaint Form

If the subject matter expert/reviewer determines that the violation was an unintended mistake rather than a purposeful act of dishonesty, then the subject matter expert/reviewer may use the occasion to help educate the student about standards of academic honesty. For example, the subject matter expert/reviewer might require the student to correct the original assignment or submit a substitute assignment.

If the instructor/reviewer decides to penalize the student, for example, by assigning a lower or failing grade, the instructor/reviewer must complete and submit the [Academic Integrity Form](#). Submitting this form serves to notify the Integrity Committee of the charge of violation of academic honesty and provides Kenzie Academy a means for checking for repeat offenses.

An explanation of the process followed for violations of the Academic Honesty Policy may be found in the Student Code of Conduct Policy in the Student Manual.

WITHDRAW POLICY FOR MEDICAL REASONS

Requesting Withdraw for Medical Reasons

- Withdrawal is student-initiated for conditions beyond the students' control (e.g., illness documented by a physician's letter). The course grade under these conditions will be "W." Documentation must be provided by the student and approved by the Director of Student Accommodation and Dispute Resolution.
- Students requesting a medical withdraw are asked to provide confirmation from a medical doctor justifying the need for a leave.
- Any medical information that comes with the medical request is collected by the Director of Student Accommodations and Dispute Resolution and shared with Academic Advising, Student Financial Services, and the Registrar's Office.
- If medical information is not submitted at the time of the request, Student Success representatives will follow up with the student for the appropriate documentation.
- Registrar will place a W on the student's record.
- Students are sent a letter outlining the steps they need to follow upon return.

STUDENT ORGANIZATION POLICIES

Student Organization Recognition

Kenzie Academy recognizes the potential of and the right to the existence of student clubs and organizations, which are in harmony with the missions, goals, and objectives of Kenzie Academy. To these various student groups, Kenzie Academy lends its name, support, and resources. Kenzie Academy, exercising its rights and responsibilities, affirms such groups as legitimate and productive members of the Kenzie Academy community. Conversely, Kenzie Academy reserves its rights to deny or withdraw recognition from any group deemed not to be in concert with the goals and objectives of Kenzie Academy.

APPENDIX A: FERPA

Student Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

(1) The right to inspect and review the student's education records within 45 days of the day Kenzie Academy receives a request for access

A student should submit to the Kenzie Academy registrar, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. Kenzie Academy officials will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the Kenzie Academy official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA

A student who wishes to ask Kenzie Academy to amend a record should write to the Kenzie Academy official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If Kenzie Academy decides not to amend the record as requested, Kenzie Academy will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to provide written Consent before Kenzie Academy discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without Consent

Kenzie Academy discloses education records without a student's prior written Consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by Kenzie Academy in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom Kenzie Academy has contracted as its agent to provide a service instead of using Kenzie Academy employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his, her or their tasks.

Kenzie Academy forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled, as long as the disclosure is for purposes related to the students' enrollment or transfer.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his, her or their professional responsibilities for Kenzie Academy.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by Kenzie Academy to comply with the requirements of FERPA

The name and address of the office that administers FERPA is:

**Family Policy Compliance Office
400 Maryland Ave., SW
Washington, DC 20202-5901**

SNHU Directory Information

In compliance with FERPA, Southern New Hampshire Kenzie Academy does not disclose personally identifiable information contained in student education records, except as authorized by law. Southern New Hampshire University may disclose appropriately designated Directory Information without a student's Consent, unless the student has advised Southern New Hampshire University to the contrary in accordance with established procedures. Southern New Hampshire University has designated the following information as Directory Information:

- Student's name
- Address(es)
- Telephone listing(s)
- Electronic mail address
- Photograph(s)
- Fields of study (major(s), minor(s), etc.)
- Dates of attendance/enrollment status
- Anticipated program completion date
- Class level
- Degrees, honors, and awards received
- Weight and height of members of athletic teams
- Participation in officially recognized activities and sports
- The most recent educational agency or institution attended

If you do not want Kenzie Academy from Southern New Hampshire University to disclose Directory Information from your education records without your prior written Consent, you must notify Kenzie Academy in writing. This may be done at any time by submitting an Authorization to Prevent or Resume Disclosure of Directory Information to the Office of the Kenzie Academy Registrar by submitting this [Disclosure Directory Form](#) or by email to registrar@kenzie.academy. The primary purpose of Directory Information is to allow Kenzie Academy to confirm attendance to prospective employers and other third Parties, and to include this type of information from your education records in certain Kenzie Academy publications. Examples include: recognition lists, Commencement Ceremony Program, and codeathons.

Directory Information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without prior written Consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. Disclosures of Directory Information will be limited to specific Parties for specific purposes or both.

Solomon Amendment and FERPA

Solomon Amendment is a federal law that allows military recruiters to access the following "student recruiting" information on students age 17 and older at the time of the request:

- First Name

- Last Name
- Student Cohort (e.g., Software Engineering SE 14)
- Certificate Program (e.g., Java Software Engineering)
- Age
- Phone – Cell
- Phone – Home
- Southern New Hampshire University Email Address
- Preferred Address

Under the Solomon Amendment, information will be released for military recruitment purposes only. The military recruiters must be from one of the 12 eligible units within the five branches of the service:

- **Army:** Army, Army Reserve, Army National Guard
- **Navy:** Navy, Navy Reserve
- **Marine Corps:** Marine Corps, Marine Corps Reserve
- **Air Force:** Air Force, Air Force Reserve, Air Force National Guard
- **Coast Guard:** Coast Guard, Coast Guard Reserve

The Department of Education has determined that the Solomon Amendment supersedes most elements of FERPA. An institution is therefore obligated to release data included in the list, which may or may not match FERPA directory information list. However, if a student has submitted an Authorization to Prevent Disclosure of Directory Information to the Office of the Kenzie Academy of Registrar to prevent the release of his/her directory information, then no information from the student's education record will be released under the Solomon Amendment.

APPENDIX B: SEXUAL MISCONDUCT POLICY

Introduction

Kenzie Academy from Southern New Hampshire University is committed to providing a workplace and educational environment that are free from Sexual Misconduct, including unlawful sexual harassment, or associated Retaliation, on the basis of sex. Accordingly, Kenzie Academy adopts this Policy from Southern New Hampshire University and the associated procedures for a prompt and equitable grievance process for claims of Sexual Misconduct and Sexual Harassment, including sexual assault, stalking, Sexual Exploitation, dating violence, or domestic violence, all as further defined in this Policy. Kenzie Academy encourages prompt reporting of these matters to allow Kenzie Academy to quickly respond, address allegations, and offer immediate support to the affected community members, as set forth in this Policy.

Reports of Sexual Harassment and any inquiries concerning this Policy should be directed to the Southern New Hampshire University Title IX Coordinator, whose contact information is as follows:

Kristin Scaduto
Title IX Coordinator/Equity Officer
105 Student Center
2500 North River Road
Manchester, NH 03106
(603) 644-3188
k.scaduto@snhu.edu
titleix@snhu.edu

Further information regarding reporting is found in [Section 6](#) of this Policy.

Definitions

For purposes of this Policy, these words have the following definitions:

- **Advisor:** Advisor means a person chosen by a Party or appointed by Kenzie Academy to accompany the Party to meetings related to the Resolution process, to advise the Party on that process, and to conduct cross-examination for the Party at the hearing, if any.
- **Complainant:** Complainant means an individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct, Sexual Harassment, or Retaliation for engaging in a protected activity.
- **Confidential Professional:** Confidential Professional means an employee who has a legally recognized professional duty of confidentiality and is not a Required Reporter of Notice of Sexual Misconduct, Sexual Harassment, or Retaliation on the basis of sex (irrespective of Clery Act Campus Security Authority status).
- **Consent:** See Section 3.5 of this Policy.
- **Day:** Day means a business day when Kenzie Academy from Southern New Hampshire University is in normal operation. It does not include weekends or holidays.
- **Education Program or Activity:** Education Program or Activity means locations, events, or circumstances where Kenzie Academy exercises substantial control over both the Respondent

and the context in which the Sexual Harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Kenzie Academy from Southern New Hampshire University.

- **Final Determination:** Final Determination means a binding conclusion by a Decision-Maker by a preponderance of the evidence whether the alleged conduct did or did not violate policy.
- **Finding:** Finding means a conclusion by a preponderance of the evidence that conduct allegedly did or did not occur.
- **Formal Complaint:** Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Kenzie Academy investigate the allegation.
- **Formal Grievance Process:** Formal Grievance Process means the method of formal Resolution designated by this Policy by which Kenzie Academy addresses conduct prohibited by this Policy in compliance with the legal requirements of 34 CFR Part 106.45.
- **Grievance Process Pool:** Grievance Process Pool includes any Investigators, Decision-Makers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case). At the discretion of the Title IX Coordinator, certain members of the pool may be restricted to certain roles based on availability and individual training levels.
- **Decision-Maker or Panel:** Decision-Maker or Panel refers to those who have decision-making and Sanctioning authority within Kenzie Academy's Formal Grievance Processes.
- **Investigator:** Investigator means the person or persons tasked by Kenzie Academy with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- **Notice:** Notice means that an employee, student, or third-Party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct, or of violations of this Policy. When used in lower-case format in this Policy, Notice has its normal dictionary meaning.
- **Official with Authority:** Official with Authority means an employee of Kenzie Academy explicitly vested with the responsibility to implement corrective measures for harassment or other conduct prohibited by this Policy, on behalf of Kenzie Academy.
- **Party/Parties:** Party/Parties include the Complainant(s) and Respondent(s), collectively. Neither the Title IX Coordinator nor Kenzie Academy are Parties.
- **Required Reporter:** Required Reporter means a Kenzie Academy employee who is obligated by policy to share knowledge, Notice, and/or reports of Sexual Harassment, Sexual Misconduct, or Retaliation with the Title IX Coordinator. This reporting obligation is separate and independent from any reporting obligation under other Kenzie Academy policies or from applicable state law reporting obligations with respect to child abuse, elder/incapacitated adult abuse, hazing/bullying, etc., though these responsibilities may overlap with reporting obligations set forth in this Policy.
- **Remedies:** Remedies are actions taken by Kenzie Academy after a Final Determination,

which are directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and ensure equitable access to Kenzie Academy's educational programs or activities.

- **Respondent:** Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct, Sexual Harassment, or Retaliation for engaging in a protected activity, or otherwise violating this Policy.
- **Resolution:** Resolution means the result of an informal or Formal Grievance Process.
- **Retaliation:** Retaliation means words or actions that intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy or Title IX.
- **Sanction:** Sanction means a consequence imposed by Kenzie Academy on a Respondent who is found to have violated this Policy.
- **Sexual Exploitation:** Sexual Exploitation occurs when an individual takes sexual advantage of another person for the benefit of anyone other than that person without that person's Consent, or in a circumstance where that person cannot legally Consent. Examples of behavior that could rise to the level of Sexual Exploitation include:
 - Prostituting another person
 - Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's Consent
 - Distributing or threatening to distribute, images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not Consent to such disclosure and/or objects to such disclosure
 - Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's Consent, and for the purpose of arousing or gratifying sexual desire
 - Coercing a person into engaging in unwanted sexual activity by exploiting that person's substance or drug dependence
- **Sexual Harassment:** Sexual Harassment means harassment on the basis of sex, sexual assault, stalking, dating violence, or domestic violence, each as further defined in Section 3.4 of this Policy.
- **Sexual Misconduct:** Sexual Misconduct includes a range of unwelcome conduct of a sexual nature occurring without Consent, including, Sexual Exploitation, Sexual Harassment, sexual assault, relationship violence (including domestic violence and dating violence), or stalking.
- **Student:** Student means, for the purpose of this Policy, any individual who has accepted an offer of admission, or who is registered or enrolled for coursework, and who maintains

an ongoing relationship with Kenzie Academy.

- **Title IX Coordinator:** Title IX Coordinator is the official (or officials) designated by Kenzie Academy to ensure compliance with Title IX, this Policy, and Kenzie Academy's Title IX program. References to the Title IX Coordinator throughout this policy may also encompass a designee of the Title IX Coordinator for specific tasks, where appropriate.
- **Title IX Team:** Title IX Team refers to the Title IX Coordinator and any Deputy Title IX Coordinators who may be designated from time to time, and any member of the Grievance Process Pool.

Policy Scope

Kenzie Academy strictly prohibits all forms of Sexual Misconduct by any member of its community, whether occurring in Kenzie Academy programming or off-campus but having an effect on Kenzie Academy's educational environment or a Complainant's educational experience. This Policy applies to Parties regardless of sexual orientation, gender identity, or expression.

The Sexual Harassment Grievance Procedure set forth in Section 9 of this Policy applies to Sexual Harassment occurring in all programs and activities of Kenzie Academy from Southern New Hampshire University and is available to Complainants in the United States. All Sexual Misconduct which does not fall within the jurisdiction of the Sexual Harassment Grievance Procedure, but which are otherwise actionable under this Policy, may be addressed under the Institutional Sexual Misconduct Grievance Procedures set forth in Section 10 of this Policy.

Conduct or grievances that fall outside the scope of this Policy may be addressed under other Kenzie Academy from Southern New Hampshire University policies and procedures, as applicable. Nothing in this Policy shall be used to deny any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. or any regulations promulgated thereunder.

Purpose

The purpose of this Policy is to define, prevent, and respond to Sexual Misconduct and Sexual Harassment as defined in 34 C.F.R. Part 106, and achieve compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681–1688) and associated regulations, as well as applicable New Hampshire state law.

Policy Statement

It is the policy of Kenzie Academy from Southern New Hampshire University to prohibit all forms of Sexual Misconduct and Sexual Harassment or Retaliation within the scope of this Policy. Kenzie Academy will respond to Notice of allegations of Sexual Misconduct and Sexual Harassment or Retaliation in accordance with the appropriate procedures set forth below.

Kenzie Academy does not discriminate on the basis of sex in any education program or activity and is prohibited from doing so by Title IX. This requirement not to discriminate extends to both admission and employment at Kenzie Academy.

Prohibited Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of New Hampshire regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. As stated above, Sexual Harassment is prohibited by this Policy.

Kenzie Academy has adopted the following definition of Sexual Harassment in order to address

the unique environment of an academic community, which consists not only of employer and employees, but of students as well. Acts of Sexual Harassment can be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of Sexual Harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex that satisfies one or more of the following:

- An employee of Kenzie Academy conditioning the provision of an aid, benefit, or service of Kenzie Academy on an individual's participation in unwelcome sexual conduct (often referred to as "quid pro quo")
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Kenzie Academy's education program or activity
- Sexual assault, defined as:
 - **Sex Offenses, Forcible:** Any sexual act directed against another person, without the Consent of the victim, including instances in which the victim is incapable of giving Consent
 - **Rape:** 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

Attempts or assaults to commit rape are also included; however, statutory rape and incest are excluded (each defined separately below)

- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity
- **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity
- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will, or not forcibly or against the person's will in instances where the victim is incapable of giving Consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity
- **Sex Offenses, Non-forcible:**
 - **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
 - **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of Consent

- **Dating Violence:** Defined as 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:
 - Length of relationship
 - Type of relationship
 - Frequency of interaction between the persons involved in the relationship
- **Domestic Violence:** Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of New Hampshire, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of New Hampshire.
- **Stalking:** Defined as engaging in a course of conduct, on the basis of sex, directed at a specific person who would cause a reasonable person to fear for the person's safety, or the safety of others, or suffer substantial emotional distress.

Kenzie Academy reserves the right to impose any level of Sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy.

Force, Coercion, Consent, and Incapacitation

As used in this Policy and the offenses above, the following definitions apply:

- **Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce Consent. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not Consent. Consent is not defined by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-Consent.
- **Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain Consent. Consent is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions to engage in mutually accepted sexual contact. A person forced to engage in sexual contact by force, threat of force, or coercion has not Consented to contact. Coercion includes unreasonably pressuring another to engage in sexual activity. Lack of mutual Consent is the crucial factor in any Sexual Misconduct. Consent to some form of sexual activity does not necessarily constitute Consent to another form of sexual activity. Silence without demonstrating permission does not constitute Consent.
- **Consent** is not valid when a person is incapacitated, or when an intellectual or other disability prevents a person from having the capacity to give Consent. A person is

incapacitated if they lack the capacity to Consent to sexual activity because the person is asleep, unconscious, mentally and/or physically helpless, or otherwise unaware that sexual activity is occurring. Incapacitation is not necessarily the same as legal intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

Under New Hampshire state law, a person under 13 years of age cannot Consent to any form of sexual contact. Individuals between the age of 13 and 16 cannot Consent to penetrative sexual activity. Individuals between the age of 13 and 16 cannot Consent to non-penetrative sexual activity with individuals who are more than five years older than they are. Individuals older than 16 years of age can legally Consent to sexual activity.

- **Retaliation Prohibited:** Retaliation in response to a protected activity is strictly prohibited by this Policy. Protected activity under this Policy includes reporting an incident that may implicate this Policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged Retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Kenzie Academy is prepared to take appropriate steps to protect individuals who fear that they may be subjected to Retaliation.

Charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes Retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute Retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

- **Right to Report:** Any person may report sex discrimination, Sexual Misconduct, including Sexual Harassment or related Retaliation (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sexual Misconduct or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or to an Official with Authority, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator herein.
- **False Allegations and Evidence:** Deliberately false and/or malicious accusations under this Policy, as opposed to allegations which, even if erroneous, are made in good faith, are a violation of this Policy, and a serious offense that will be subject to appropriate disciplinary action.

Additionally, witnesses and Parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline.

Role of the Title IX Coordinator

Kenzie Academy's designated Title IX Coordinator has the primary responsibility for coordinating Kenzie Academy's efforts related to the intake, investigation, Resolution, and implementation of measures to stop, remediate, and prevent Sexual Misconduct, Sexual Harassment and Retaliation prohibited under this Policy. Kenzie Academy's Title IX Coordinator is also responsible to provide or facilitate ongoing training, consultation, and technical assistance on Title IX for all students, faculty and staff, and other community members including:

- Regular training for faculty and staff outlining their rights and obligations under Title IX and this Policy, including the appropriate response to reports of Sexual Misconduct, the obligation to report Sexual Misconduct (as applicable), and the scope and availability of confidentiality
- Annual training for other Title IX staff, Investigators, Decision-Makers, and any person who facilitates an Informal Resolution process, on the definition of Sexual Misconduct and Sexual Harassment, the scope of Kenzie Academy's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Annual training for Investigators on issues of relevance to create an investigative report that fairly summarizes relevant evidence
- Regular training for Decision-Makers on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant
- Regular training for students outlining their rights under Title IX; including with respect to Sexual Harassment, the reporting process (including reports to local law enforcement and confidential reporting to counselors or advocates), the procedures used to process complaints, applicable student conduct code provisions relating to Sexual Misconduct and the consequences of violating those provisions, the role of alcohol and drugs in Sexual Misconduct, the effects of trauma, strategies, and skills for bystander intervention, the offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the Required Reporter employees who must report incidents to the Title IX Coordinator, and Title IX's protections against Retaliation.

Website and Training Materials

The Title IX Coordinator is responsible to ensure that all training materials used to train the Title IX Team are made publicly available on Kenzie Academy's designated Title IX webpage for a period of seven years from issuance.

Requests for Confidentiality

The Title IX Coordinator also evaluates requests for confidentiality, as outlined below, by those who report or complain about Sexual Misconduct or Sexual Harassment in the context of Kenzie Academy's responsibility to provide a safe and non-discriminatory environment for all member of its community.

Bystander Policy

Kenzie Academy encourages all community members to take reasonable and prudent actions to prevent or stop an act of Sexual Harassment. Taking action may include direct intervention where it is safe to do so, creating a distraction, calling law enforcement, or seeking assistance from a person in authority.

Amnesty Policy

Students: Student Complainants, bystanders, or witnesses may have concerns about reporting sexual misconduct because of Kenzie Academy's drug or alcohol policy, or other policy violations. Kenzie Academy's primary concern is community safety. A Complainant shall not be subject to a disciplinary proceeding or Sanction for a violation of Kenzie Academy's code of conduct related to the incident unless a Kenzie Academy official determines that the report was not made in good faith or that the violation was egregious.

Employees: Kenzie Academy may, at its discretion, offer employee Parties and witnesses amnesty from policy violations (typically more minor policy violations) related to the facts and circumstances surrounding the incident.

Health Care and Support Resources

Resources Available

Complainant has the option to seek treatment for injuries sustained during an incident of sexual misconduct, preventative treatment for sexually transmitted diseases, and other health services. A medical exam is also an important way for a health provider to properly collect and preserve evidence, which would later be used in a civil or criminal case. In cases where necessary, rape kits are also available at local emergency rooms.

Medical Treatment

Medical treatment in the area of the Manchester/Hooksett campus include the following:

Elliot Hospital

4 Elliot Way, Manchester, NH 03013

[\(603\) 669-5300](tel:6036695300)

Catholic Medical Center (CMC)

100 McGregor St., Manchester, NH 03102

[\(603\) 668-3545](tel:6036683545)

Sexual assault and domestic violence resources in New Hampshire and the Manchester area include:

New Hampshire Sexual Assault Hotline

[1-800-277-5570](tel:18002775570)

New Hampshire Domestic Violence Hotline

[1-866-644-3574](tel:18666443574)

Community Services

Services for survivors of sexual assault, domestic violence, stalking and Sexual Harassment are available through the NH Coalition Against Domestic and Sexual Violence, which is comprised of 13 member programs throughout the state. A community member does not need to be in crisis to call. According to the coalition's website, services are free, confidential, and available to everyone regardless of gender, age, health status (including HIV-positive), physical, mental or emotional ability, sexual orientation, gender identity/expression, socio-economic status, race, national origin,

immigration status, or religious or political affiliation.

Coalition member agencies serving the Manchester and Hooksett campus areas include:

Crisis Center of Central New Hampshire (CCCNH)

PO Box 1344, Concord, NH 03302-1344

Crisis Line: [1-866-841-6229](tel:1-866-841-6229)

Office: [\(603\) 225-7376](tel:603-225-7376)

YWCA Crisis Service

72 Concord Street, Manchester, NH 03101

Crisis Line: [\(603\) 668-2299](tel:603-668-2299)

Manchester Office: [\(603\) 625-5785](tel:603-625-5785)

www.ywcanh.org

Coalition agencies provide the following services:

- Support and information, available in person and through a 24-hour hotline
- Accompaniment, support, and advocacy at local hospitals, courts, and police departments
- Access to emergency shelter
- Peer support groups
- Assistance with protective/restraining orders and referrals to legal services
- Information and referrals to community programs
- Community and professional outreach and education

Financial Assistance Resources

Community members who require medical assistance but have financial hardship or limited financial resources may qualify for financial assistance through the New Hampshire Health Access Network. The New Hampshire Health Access Network helps low-income residents of New Hampshire who have health insurance but need financial assistance to help cover out-of-pocket medical expenses such as deductibles, co-pays, and co-insurance.

The NH Health Access Network

125 Airport Road, Concord, NH 03301

[\(603\) 225-0900](tel:603-225-0900)

www.healthynh.com

Face-to-Face Resources

Basic non-emergency medical treatment and counseling for face-to-face students are also available at the Wellness Center, located in the Robert A. Freese Student Center. Students can access health services during normal business hours by walk-in and may reach the Wellness Center counselors at (603) 645-9679. Emergency counseling services are also available 24 hours a day. During regular business hours, a student can speak with a counselor by contacting the Wellness Center staff. During nights, weekends, and holidays, a student seeking emergency counseling can access services by contacting Public Safety or Residence Life who will notify a counselor on call.

Resources for Online Students and Remote Employees

In addition, a list of counseling, health, mental health, victim advocacy, legal assistance, and other services available, including crisis help lines, can be found on the [Online Wellness](#) webpage. Students and remote employees located outside of New Hampshire can select the "Locate Resources in Your Area" link to be directed to crisis resources based on their location.

Resources for Employees

Full and half-time Kenzie Academy employees have access to the Employee Assistance Program (EAP) offered through Anthem, which provides assessment and referral for a wide range of concerns facing employees. To speak with a consultant, call [1-800-647-9151](tel:1-800-647-9151).

Reporting Sexual Misconduct, Sexual Harassment, and Retaliation Reporting Policy

Kenzie Academy encourages community members to promptly report incidents of sexual harassment, Sexual Misconduct, or Retaliation immediately to Kenzie Academy using the process described below. Required Reporters must inform the Title IX Coordinator or any official with authority of incidents of Sexual Misconduct of which they are aware, as further detailed below. Any person may inform the Title IX Coordinator or other Official with Authority of an alleged violation of this policy, however only a Complainant or the Title IX Coordinator can sign a Formal Complaint.

Reporting Process

Concerns of a violation of this Policy or seeking supportive measures may be made using the intake forms designated here:

- Face-to-face students may file a report in one of two ways: first by filing a report in person at the Office of Public Safety or by filing an online Incident Form.
- Online students may file an online Student Dispute Form through the Office of Dispute Resolution and Student Conduct.
- Kenzie Academy employees may contact their Human Resources Business Partner or submit a Complaint Notification Form.

Those wishing to engage the Formal Grievance Process for Sexual Harassment and/or Retaliation may file a Formal Complaint with the Title IX Coordinator or any Official with Authority. Such a report may be made at any time (including during non-business hours) by using the email or postal office address(es) listed for the Title IX Coordinator and/or any other official listed/designated below.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Kenzie Academy investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth below, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Kenzie Academy) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

If Notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Anonymous Reports

Reports that are submitted anonymously limit the ability of Kenzie Academy to respond in a formal manner. The privacy of those submitting bias reports will be maintained to the extent possible. Therefore, persons are strongly encouraged to identify themselves when submitting reports and participate in the investigation and response process.

Contact Information for Reporting

Complaints or Notice of alleged Sexual Misconduct, including Sexual Harassment, Retaliation, other policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to Kenzie Academy's Title IX Coordinator:

Kristin Scaduto, Title IX Coordinator, can be reached on Kenzie Academy's main campus at 2500 North River Road, Manchester NH, by telephone at [\(603\) 644-3188](tel:6036443188) or by email at k.scaduto@snhu.edu.

The following Deputy Title IX Coordinator(s) have also been designated as officials with authority and may also accept Notice or complaints on behalf of Kenzie Academy:

Michael Graskemper is the online Deputy Title IX Coordinator. He can be reached at [\(603\) 314-7647](tel:6033147647) or at m.graskemper@snhu.edu.

The following additional personnel are also identified as officials with authority by Kenzie Academy:

- All athletics coaches and athletic directors, including assistant directors
- Residence life personnel (not including student employees)
- Dean of Students, Academic Deans, and Office of Vice President of Academic Affairs
- President and CEO
- Chief Operating Officer
- Executive Vice President, Human Resources

Reporting to the Police

Complainants are also encouraged to consider reporting Sexual Misconduct that constitutes a crime, or any other related crime, to law enforcement authorities. Complainants may also wish to pursue a criminal or civil restraining order from a local court. However, Complainants have a right to choose not to file a report with law enforcement or seek a restraining order. The decision to file a criminal complaint or seek a court order is a deeply personal choice. Complainants often make this decision based on the circumstances surrounding the incident and the circumstances in their life at the time of the incident. Complainants must also understand that Southern New Hampshire University Public Safety is not a police force, and a report to Public Safety is not equivalent to filing a police report.

Upon reporting an incident to the Title IX Coordinator (or other Official with Authority), Complainants will have the opportunity, if they choose, to speak with appropriate local law enforcement personnel to make the report. Confidential Resource Advisors can also assist with this process. Complainants do not need to file a criminal complaint with law enforcement in order to initiate a grievance with Kenzie Academy, and Kenzie Academy may find a Respondent responsible for violating this Policy regardless of the status or outcome of any criminal proceedings. Absent extenuating circumstances, Kenzie Academy will not unduly delay its grievance process to await the completion of any criminal proceeding or investigation, unless required to do so by valid court order.

In the case of an ongoing emergency, dial 911. Non-emergency contact information for local police in the Manchester area for non-emergency reporting is as follows:

Hooksett Police Department

15 Legends Dr.
Hooksett, NH 03106
[\(603\) 624-1560](tel:6036241560)

Manchester Police Department

405 Valley St.

Manchester, NH 03106

[\(603\) 668-8711](tel:(603)668-8711)

Employee Reporting Obligation

Kenzie Academy takes the position that all employees except those with a legal duty of confidentiality (e.g., a licensed counselor, doctor, or nurse) or Confidential Resource Advisors, are Required Reporters. With respect to students who are also employed by Kenzie Academy, only those working in the Office of Residence Life (RDs, CAs, RAs), graduate teaching assistants or instructors, and those student employees with similar significant responsibility for student welfare are Required Reporters under this Policy.

A Required Reporter who witnesses or has Notice of Sexual Misconduct, Sexual Harassment, or Retaliation against a student must immediately contact the Title IX Coordinator to make a report to allow Kenzie Academy to respond appropriately. A failure by a Required Reporter to report a violation of this Policy may warrant disciplinary action up to and including termination. This reporting obligation does not apply for any employee who has themselves been an alleged victim of Sexual Misconduct, Sexual Harassment, or Retaliation, with respect to the specific conduct or incident(s) affecting them.

Additional Reporting Resources

A student or applicant who believes that he or she has been discriminated against can also file a Charge of Discrimination with the U.S. Department of Education Office for Civil Rights.

U.S. Department of Education

8th Floor

5 Post Office Square

Boston, MA 02109-3921

Telephone: [\(617\) 289-0111](tel:(617)289-0111)

Facsimile: [\(617\) 289-0150](tel:(617)289-0150)

Email: OCR.Boston@ed.gov

The Regional Office serving New Hampshire can be contacted at:

U.S. Department of Education

8th Floor

5 Post Office Square

Boston, MA 02109-3921

Telephone: [\(617\) 289-0111](tel:(617)289-0111)

Facsimile: [\(617\) 289-0150](tel:(617)289-0150)

Email: OCR.Boston@ed.gov

Timing of Complaints

There is no time limit for filing a complaint or providing Notice under this Policy. However, if the Respondent is no longer subject to Kenzie Academy's jurisdiction and/or significant time has passed, Kenzie Academy's ability to investigate, respond, and provide Remedies may be limited or impossible. Complainants are therefore strongly encouraged to file complaints in a timely manner to maximize Kenzie Academy's ability to promptly gather evidence, and conduct a thorough, impartial, and reliable investigation. If the Respondent is expected to graduate or complete a program during the pendency of the process, Kenzie Academy may temporarily withhold that student's Kenzie Academy from Southern New Hampshire University degree, certificate, or other

terminal credential, pending conclusion of the complaint Resolution procedures.

Independence and Conflict of Interest

The Title IX Coordinator is responsible for oversight of the Title IX Team, and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator ultimately oversees all outcomes and Resolutions under this Policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any Party in a specific case, or for or against Complainants and/or Respondents, generally. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

To raise any concern involving bias or conflict of interest, or misconduct or discrimination committed by the Title IX Coordinator, contact the Kenzie Academy's Chief of Staff, Donald Brezinski, by phone at [\(603\) 644- 3109](tel:6036443109) or email at d.brezinski@snhu.edu. The Chief of Staff may also coordinate with the Human Resources department regarding review and Resolution of such concerns. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Privacy and Confidentiality

Disambiguation: Cases involving alleged Sexual Harassment demand special attention to issues of privacy and confidentiality. For the purpose of this Policy, privacy and confidentiality have distinct meanings.

Privacy: Privacy means that information related to a Formal Complaint will be shared with a limited number of Kenzie Academy employees who "need to know" in order to assist in the assessment, investigation, and Resolution of the report, as well as the Parties and their Advisors. All employees who are involved in Kenzie Academy's response to Notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in Kenzie Academy's FERPA policy, except where limited or superseded by the applicable Title IX regulations (found at 34 C.F.R. Part 106). Kenzie Academy reserves the right to designate which Kenzie Academy officials have a legitimate educational interest in being informed about incidents that are subject to this Policy, consistent with FERPA. The privacy of employee records will be protected in accordance with Human Resources policies, except where limited by applicable law.

However, privacy in this context has limits: All Complainants must understand the following receipt of a Formal Complaint of Sexual Harassment. Kenzie Academy is legally required to provide prompt written Notice to all known Parties to the complaint with the following information:

- Identities of Parties involved, if known
- Conduct alleged to constitute Sexual Harassment
- Date and location of incident(s)
- Notice of any additional allegations added after the initial Notice to the known Parties

As further detailed below, known Parties are also entitled to receive certain evidence gathered during the investigation process that is directly related to the Formal Complaint.

Kenzie Academy will keep any supportive measures provided to any Complainant or Respondent private, to the extent that maintaining such privacy would not impair the ability to provide such measures.

Kenzie Academy may also by necessity contact parents/guardians or third-Parties to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

Confidentiality

For purposes of this Policy, confidentiality should be understood in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, ordained clergy, and some sexual assault or domestic violence counselors. The law (which varies by state) creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others with their patients, clients, parishioners, and spouses. Kenzie Academy has designated individuals who are able to have legally privileged communications as Confidential Professionals who are exempt from Required Reporter responsibilities. All other employees of Kenzie Academy are Required Reporters who must inform the Title IX Coordinator or other Official with Authority of any incidents subject to this policy.

When information is shared by a Complainant with a Confidential Professional, that person cannot reveal the information to any third Party except when an applicable law or a court order requires or permits disclosure of such information.

All Confidential Professionals may be required or permitted to break confidentiality by law in certain circumstances, as more fully described in “Exceptions to Confidentiality,” below.

Confidential Professionals will not inform Kenzie Academy’s Title IX Coordinator of an incident, unless a Complainant directs them to do so, but can still assist the Complainant in receiving other necessary protection and support, such as academic support or accommodations, disability, health or mental health services. As a practical matter, the full availability of some of these services may be limited in certain circumstances by a victim’s desire for confidentiality and level of cooperation.

A Complainant who at first requests confidentiality from a Confidential Professional may later decide to file a Formal Complaint with Kenzie Academy.

Confidential Professionals

- **Professional and Pastoral Counselors:** Southern New Hampshire University can provide campus-based students with professional, licensed counselors who provide mental health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor). Southern New Hampshire University wellness counselors can be reached at [\(603\) 645-9679](tel:6036459679). Pastoral counselors may also be available to speak to campus based students through Campus Ministry, which can be reached at [\(603\) -645-9608](tel:6036459608) or by referral at the Wellness Center.

These counselors are not required to report any identifying information about an incident to the Title IX Coordinator without a Complainant’s permission. A counselor may collect and eventually report some general, non-identifying data that will not lead to an investigation, such as the date of the report, date of the crime, and general location as part of Kenzie Academy’s crime data reporting responsibility. A member of the community wishing to speak with a professional, licensed counselor can request to do so through the on-campus Wellness Center.

Emergency services are available 24 hours a day. Students can access services during normal business hours by calling [\(603\) 645-9679](tel:6036459679). During nights, weekends, and holidays,

a student can access services by contacting Public Safety at [\(603\) 645-9700](tel:6036459700) who will notify a counselor on call.

Employees and online students, and other non-campus based students, can also log onto the [Online Wellness](#) webpage and find a list of available professional counseling resources in their state.

Employees also have access to the Employee Assistance Program (EAP) offered through Anthem, which can be reached at [1-800-647-9151](tel:18006479151).

- **Registered Nurses:** In addition to counseling services, the campus Wellness Center is staffed by Advanced Practice Registered Nurse(s) (APRN) and licensed registered nurse(s). New Hampshire law (RSA 326-B) provides that confidential communications made to a nurse by a patient are entitled to the same privilege as those between a physician and a patient. As a result, a nurse in the Wellness Center is not required to reveal any details of an incident to the Title IX Coordinator. As with a professional counselor, a nurse may collect and eventually report some general, non-identifying data that will not lead to an investigation, such as the date of the report, date of the crime, and general location as part of Kenzie Academy's crime data reporting responsibility.
- **Confidential Resource Advisors:** As required by New Hampshire state law, Kenzie Academy has also designated Confidential Resource Advisors, who shall not be Required Reporters, and who shall be permitted to assist students in a confidential manner and provide appropriate resources and information, and assist any student with the reporting process, if desired.

For purposes of this Policy, all Kenzie Academy-appointed and trained Advisors within the Grievance Process Pool are designated as Confidential Resource Advisors. Advisors selected by Parties from outside the Grievance Process Pool may not be designated as Confidential Resource Advisors as they may not have been trained or vetted by Kenzie Academy.

While communications between Advisors and their advisees are considered private as to Kenzie Academy and its personnel, Parties should be aware that legal privilege for communications made to Confidential Resource Advisors under New Hampshire law applies only to communications between victims of alleged sexual assault, alleged domestic abuse, alleged Sexual Harassment, or alleged stalking, and a Confidential Resource Advisor in the course of that relationship and in confidence. Therefore, communications made between a Respondent and their Advisor would typically be private as to Kenzie Academy but may not be legally privileged communications under New Hampshire state law.

Kenzie Academy may from time to time designate other employees or categories of employees as Confidential Resource Advisors and may also from time to time enter into Memoranda of Understanding with outside local, state, or national agencies to provide third-Party Confidential Resource Advisors to Parties.

Exceptions to Confidentiality: While these professional counselors and nurses may maintain a victim's confidentiality vis-à-vis Kenzie Academy, they (and other Kenzie Academy personnel) may have mandatory reporting or other obligations under state or federal law. For example, New Hampshire has a mandated reporter law for when a person "has reasons to suspect that a child has been abused or neglected" (R.S.A. §169-C:29), which requires timely disclosure to the New Hampshire Department of Health and Human Services if the victim is under 18 years of age. A similar reporting law applies to incapacitated and elderly adults. (RSA 161- F:46). New Hampshire also has an anti-hazing statute that requires that any person who is present or otherwise has direct knowledge

of any student hazing must report the hazing to law enforcement or educational institution authorities. (RSA 631:7)

Likewise, behavior that poses a serious threat of harm to self or others, or receipt of a court order or a subpoena under certain circumstances can trigger a duty to timely disclose confidential information, irrespective of the categories above.

Also, if Kenzie Academy determines that the alleged perpetrator(s) poses a serious and immediate threat to the Kenzie Academy community, Campus Safety may be called upon to issue a timely warning to the community as required by federal law. Any such warning should not include any information that identifies the Complainant.

Supportive Measures and Emergency Removal

Supportive Measures

Kenzie Academy will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged Sexual Misconduct, including Sexual Harassment, and/or Retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to Kenzie Academy's education program or activity, including measures designed to protect the safety of all Parties or Kenzie Academy's educational environment, and/or deter further harassment, discrimination, and/or Retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving Notice or a complaint. At the time that supportive measures are offered, Kenzie Academy will inform the Complainant, in writing, that they may file a Formal Complaint with Kenzie Academy either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are reasonably considered with respect to the supportive measures that are planned and implemented, including with respect to privacy.

Kenzie Academy will maintain the privacy of the supportive measures, solely to the extent that privacy does not impair Kenzie Academy's ability to provide the supportive measures. Kenzie Academy will seek to ensure as minimal an academic impact on the Parties as reasonably possible. Kenzie Academy will implement measures in a way that does not unreasonably burden the other Party.

Supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Implementing contact limitations (restricted contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Timely warnings
- Class schedule modifications or withdrawals

- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of restricted contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Emergency Removals

Kenzie Academy can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Public Safety Team, using objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student, employee, or two (2) representatives from a student organization will be given Notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting will be conducted remotely using electronic video conferencing technology whenever possible.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. This section also applies to any restrictions that a coach or athletic administrator may place on a student athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

Kenzie Academy will implement the least restrictive emergency actions reasonably possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee (in consultation with Human Resources), restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the Parties.

Administrative Leaves

Kenzie Academy reserves its right to place an employee on administrative leave during the pendency of a grievance related to alleged Sexual Misconduct, Sexual Harassment, or Retaliation, in accordance with existing HR policy and procedures. No Appeal of an administrative leave is provided pursuant to this Policy.

Grievance Procedures

Kenzie Academy will apply one of two grievance procedures based on the specific conduct alleged. As further described in Sections 9 and 10 of this Policy, these procedures largely mirror one another, with important exceptions. For purposes of both Grievance Procedures, the Respondent is presumed not responsible for the reported misconduct unless and until a Final Determination is made at the conclusion of the applicable grievance process that the Respondent is responsible. The burden of proof is on Kenzie Academy and not on either Party.

- The Title IX Sexual Harassment Grievance Procedures set forth in Section 9 apply only to qualifying allegations of Sexual Harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) as defined in this Policy. The Sexual Harassment Grievance Procedures may be used to address collateral misconduct only if it is determined to be arising from the investigation of or occurring in conjunction with reported Sexual Harassment (e.g., Retaliation, vandalism, physical abuse of another).
- The Institutional Sexual Misconduct Grievance Procedures set forth in Section 10 apply to Sexual Misconduct that does not constitute Sexual Harassment within the definitions and/or jurisdiction of the Title IX regulations. Complaints that are dismissed from the Sexual Harassment Grievance Procedures may (and often are) referred to be processed under the Institutional Sexual Misconduct Grievance Procedures, including for Sexual Harassment that does not meet the jurisdictional requirements of Title IX.

Other Policies and Procedures

All other allegations of discrimination on the basis of a protected class (excluding sexual misconduct) will be referred to the Kenzie Academy's Discrimination Complaint Protocol, except that complaints of disability discrimination will be addressed under the Kenzie Academy's ADA/504 Grievance Procedure. Other incidents may be addressed through procedures elaborated in the student, faculty, and staff handbooks, or other applicable policies or procedures.

Timeframe for Response and Grievance Process

Kenzie Academy will conduct a timely review of complaints processed under either grievance process. Absent extenuating circumstances, review and Resolution are expected to take place within sixty (60) to ninety (90) days from Notice or receipt of the Formal Complaint. Absent extenuating circumstances, decisions on appeals are typically issued within thirty (30) days of the date of receipt of the appeal.

Extensions

For purposes of complaints processed under either grievance process, all deadlines and time requirements in the grievance process may be extended for good cause as determined by the Title IX Coordinator or their designee. Both the Respondent and the Complainant will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or event. Extensions requested by one Party will ordinarily not be longer than five business/school days.

Title IX Sexual Harassment Grievance Process

Initial Assessment

Following receipt of Notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five days in duration. The steps in an initial assessment can include:

- If Notice is given, the Title IX Coordinator seeks to determine if the Complainant wishes to make a Formal Complaint, explains the process to do so, and provides assistance with

filing, if desired.

- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- 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 Kenzie Academy.
- The Title IX Coordinator reaches out to the Complainant to assess and offer supportive measures, (which may also have already been offered or provided prior to the filing of a Formal Complaint).
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant seeks supportive measures only, an Informal Resolution option (only after filing a Formal Complaint), or a formal investigation and grievance process.
 - If a Formal Complaint has not been filed, and the Complainant wishes only to pursue supportive measures, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation of appropriate supportive measures.
 - If the Complainant does not wish to file a Formal Complaint after the Title IX Coordinator describes the process, discusses availability of supportive measures, and considers the Complainant's wishes, the Title IX Coordinator may in their discretion still initiate a Formal Complaint by signing it in lieu of the Complainant. The Title IX Coordinator may consider a variety of factors in making this assessment, including a pattern of alleged misconduct by the Respondent.
 - If the Title IX Coordinator does not sign a Formal Complaint, and an Informal Resolution option is preferred by Complainant, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available, and seek to determine if the Respondent is also willing to engage in Informal Resolution. If so, each Party's voluntary written Consent is required to proceed with Informal Resolution.
 - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX Sexual Harassment and this procedure:
 - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process.
 - If it does not, the Title IX Coordinator issues a determination that this procedure does not apply (and will "dismiss" that aspect of the complaint, if any), assesses which other Kenzie Academy policies may apply, which Resolution process is applicable, and will refer the matter accordingly. Dismissing a complaint under these Sexual Harassment Grievance Procedures is procedural, and does not limit Kenzie Academy's authority to address a complaint with other appropriate processes and Remedies. Complaints dismissed from the Sexual Harassment Grievance Procedures will often be referred to the Institutional Sexual Misconduct Grievance

Procedures (Section 10) or other applicable Kenzie Academy process for Resolution.

Dismissal (Mandatory and Discretionary)

Kenzie Academy must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in the Policy hereinabove, even if proved; and/or
- The conduct did not occur in an educational program or activity controlled by Kenzie Academy (including buildings or property controlled by recognized student organizations), and/or Kenzie Academy does not have control of the Respondent; and/or
- The conduct did not occur against a person in the United States.

Kenzie Academy may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by the Kenzie Academy; or
- Specific circumstances prevent Kenzie Academy from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, Kenzie Academy will promptly send written Notice of the dismissal and the rationale for doing so simultaneously to the Parties.

This dismissal decision is appealable by any Party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Counterclaims

Kenzie Academy is obligated to ensure that the grievance process is not abused for retaliatory purposes. Kenzie Academy permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after Resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

Right to an Advisor

The Parties may each have one Advisor of their choice present with them for all meetings and interviews within the Resolution process, if they so choose. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.⁴

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of interest. A Party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-Maker(s).

- **Who Can Serve as an Advisor:** The Advisor may be a friend, mentor, family member, attorney, or any other individual a Party chooses to advise, support, and/or consult with them throughout the Resolution process. The Parties may choose Advisors from inside or outside of the Kenzie Academy community.

The Title IX Coordinator will also offer to assign a trained Advisor for any Party if the Party so chooses. If the Parties choose an Advisor from the pool available from Kenzie Academy, the Advisor will be trained by Kenzie Academy and be familiar with Kenzie Academy's Resolution process and will have been designated as a Confidential Resource Advisor under New Hampshire law.

If the Parties choose an Advisor from outside the pool of those identified by Kenzie Academy, the Advisor may not have been trained by Kenzie Academy and may not be familiar with Kenzie Academy policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the Resolution process, prior to a hearing.

- **Advisors in Hearings/Kenzie Academy-Appointed Advisor:** Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the Parties' Advisors. The Parties are not permitted to directly cross-examine each other or any witnesses. If a Party does not have an Advisor for a hearing, Kenzie Academy will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A Party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the Party's Advisor will not conduct cross-examination, Kenzie Academy will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised Party in the hearing itself. Questioning of the Parties and witnesses will also be conducted by the Decision-Maker(s) during the hearing.

- **Advisor's Role:** The Parties may be accompanied by their Advisor in all meetings and interviews at which the Party is entitled to be present, including intake and interviews. Advisors should help the Parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Kenzie Academy cannot guarantee equal Advisory rights, meaning that if one Party selects an Advisor who is an attorney, but the other Party does not or cannot afford an attorney, Kenzie Academy is not obligated to provide an attorney.

- **Advisor Violations of Kenzie Academy Policy:** All Advisors are subject to the same Kenzie Academy policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Kenzie Academy officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or directly represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or

other Decision-Maker(s) except during a hearing proceeding, during cross examination, or as otherwise specifically permitted by this Policy.

The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this Policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

- **Sharing Information with the Advisor:** Kenzie Academy expects that the Parties may wish to have Kenzie Academy share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor if they wish. Doing so may help the Parties participate more meaningfully in the Resolution process.

Kenzie Academy also provides a Consent form that authorizes Kenzie Academy to share such information directly with their Advisor. The Parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating Consent to a release of information to the Advisor before Kenzie Academy is able to share records with an Advisor.

- **Privacy of Records Shared with Advisor:** Advisors are expected to maintain the privacy of the records shared with them, except where their advisees provide express permission to share private information.
- **Expectations of an Advisor:** Kenzie Academy generally expects an Advisor to adjust their schedule to allow them to attend Kenzie Academy meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Kenzie Academy may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

- **Expectations of the Parties with Respect to Advisors:** A Party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The Parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The Parties are expected to provide timely Notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a Party changes Advisors, Consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

- **Resolution Processes:** Resolution proceedings are private. All persons present at any time during the Resolution process are expected to maintain the privacy of the proceedings in accordance with this Policy. While there is an expectation of privacy around what Investigators share with Parties during interviews, the Parties have discretion to share their own knowledge and evidence with others if they so choose. Kenzie Academy encourages Parties to discuss this with their Advisors before doing so.
- **Informal Resolution Options:** Informal Resolution can include three different approaches:
 - When the Parties agree to resolve the matter through an offered alternate Resolution mechanism including mediation, restorative practices, etc.;
 - When the Respondent accepts responsibility for violating policy, and desires to accept a Sanction and end the Resolution process; or
 - When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any Party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Kenzie Academy will provide the Parties with written Notice of the reported misconduct and any Sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Kenzie Academy.

Kenzie Academy will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. Informal Resolution is never appropriate or available for allegations that an employee sexually harassed a student.

- **Alternate Resolution:** Alternate Resolution is an informal process, including mediation or restorative practices, etc. by which a mutually agreed upon Resolution of an allegation is reached. All Parties must Consent in writing to the use of Alternate Resolution.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the Parties:

- The Parties' amenability to Alternate Resolution;
- Likelihood of potential Resolution, taking into account any power dynamics between the Parties;
- The Parties' motivation to participate;
- Civility of the Parties;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of complaint;
- Complaint complexity;

- Emotional investment of the Parties;
- Rationality of the Parties;
- Goals of the Parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available (with Consent of the Parties) or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any Resolution that is reached, and failure to abide by the Resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable after a Resolution agreement has been signed.

- **Respondent Accepts Responsibility for Alleged Violations:** The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all Parties and Kenzie Academy are able to agree on responsibility, Sanctions, and/or Remedies. If so, the Title IX Coordinator implements the accepted Finding that the Respondent is in violation of the Kenzie Academy policy and implements agreed-upon Sanctions and/or Remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all Parties indicate their written Consent to all agreed upon terms of Resolution. When the Parties cannot agree on all terms of Resolution, the Formal Grievance Process will resume at the same point where it was paused. When a Resolution is accomplished, the appropriate Sanction or responsive actions are promptly implemented under the direction of the Title IX Coordinator.

- **Negotiated Resolution:** The Title IX Coordinator, with the written Consent of the Parties, may negotiate and implement an agreement to resolve the allegations that satisfies all Parties and Kenzie Academy. Negotiated Resolutions are not appealable after agreement is reached. Failure by a Party to honor any portion of an agreement may be punishable under the Student Code of Conduct, or Employee Handbook, as applicable.
- **Grievance Process Pool:** The Formal Grievance Process relies on the Grievance Process Pool (“the Pool”) to carry out the process.
 - **Pool Member Roles:** Members of the Pool are trained, and can serve in the following roles, at the direction of the Title IX Coordinator, to:
 - Act as an Advisor to the Parties (note that Party-selected Advisors from outside the Pool are not considered part of the Pool and do not receive training from Kenzie Academy)
 - Serve in a facilitation role in Informal Resolution under the direction of the Title IX Coordinator
 - Investigate complaints
 - Serve as a hearing facilitator (process administrator, no decision-making role)
 - Serve as a Decision-Maker, either individually or as part of a Panel, regarding the complaint
 - Serve as an Appeal Decision-Maker

- **Pool Member Appointment:** The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of The University reserves the right to supplement the pool on an as-needed basis with individuals from external service providers, consultants, or other firms.

Pool Member Training

The Pool members who will serve in an Investigator, Decision-Maker role, or who facilitate Informal Resolution processes, receive annual training related to their respective roles. This training includes, but is not limited to:

- The scope of this Policy and associated procedures
- The scope of the SNHU and Kenzie Academy programs and activities
- The definition of Sexual Harassment
- How to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution processes, as applicable
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, and how to avoid reliance on sex stereotypes
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- For those filling the Investigator role, Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- Reporting, confidentiality, and privacy requirements
- How to apply definitions used by the University with respect to Consent (or the absence or negation of Consent) consistently, impartially, and in accordance with policy

For Decision-Makers, how to determine appropriate Sanctions in reference Sexual Harassment findings. All Pool members are required to attend these training sessions. The training materials used to train all members of the Pool are publicly posted here.

Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations
- The identity of the involved Parties (if known)
- The specific conduct alleged to constitute Sexual Harassment,
- The date and location of the alleged incident(s) (if known)
- A copy of the specific policies implicated (including this Policy),
- The URL of the University’s public webpage with Title IX materials
- A description of the applicable procedures,
- A statement of the potential Sanctions/responsive actions that could result,
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,

- A statement that Final Determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the SNHU and Kenzie Academy's policy on Retaliation,
- Information about the privacy of the process,
- Information on the right of Parties to have an Advisor of their choice, who may be, but is not required to be, an attorney,
- A statement informing the Parties that the University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution process,
- Detail on how the Party may request disability accommodations during the interview process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any bias or conflict of interest that the Investigator(s) may have,
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties indicated in official University records, or emailed to the Parties' University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

- **Appointment of Investigators:** Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.
- **Ensuring Impartiality:** Any individual materially involved in the administration of the Resolution process may neither have a conflict of interest or bias for a Party generally, or for a specific Complainant or Respondent specifically.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The Parties may, at any time during the Resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the University's Chief of Staff.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by a preponderance of the evidence.

- **Investigation Timeline:** Investigations are completed expeditiously, normally within thirty (30)

business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Kenzie Academy from SNHU will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the investigation.

- **Delays in the Investigation Process and Interactions with Law Enforcement:** Kenzie Academy from SNHU may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or accommodations for disabilities or health conditions. The University will communicate in writing the anticipated duration of the delay and reason to the Parties and provide the Parties with status updates if necessary. The University will promptly resume its investigation and Resolution process as soon as feasible. During such a delay, The University will implement supportive measures as deemed appropriate. The University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.
- **Steps in the Investigation Process** All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant Parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Title IX Coordinator or assigned deputy coordinator may be present to observe any of the steps in the investigation process, including party or witness interviews, as part of their oversight responsibilities.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measure
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the Parties to Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Notice should inform the Parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the Party
- Provide each interviewed Party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their

respective interviews and meetings

- Make good faith efforts to notify the Parties of any meeting or interview involving the other Party, in advance when possible
- When participation of a Party is expected, provide that Party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each Party the opportunity to suggest witnesses and questions they wish
- Investigator(s) to ask of the other Party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the Parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors (if so desired by the Parties) with a list of witnesses whose information will be used to render a Finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors (if so desired by the Parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a Final Determination, for a ten (10) business Day review and comment period so that each Party may meaningfully respond to the evidence. The Parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator(s) may elect to respond in writing in the investigation report to the Parties' submitted responses and/or to share the responses between the Parties for additional responses
- The Investigator(s) will incorporate relevant elements of the Parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator shall have an opportunity to receive confidential legal advice regarding any aspect of the investigation or the report from the University's legal counsel
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all Parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The Parties are also provided with a file of any directly related evidence that was not included in the report

Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the Parties) who are employees of the University are expected to cooperate with and participate in the University's investigation and Resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or Resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for Parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Remote conference technologies may be used for interviews at the Investigator's discretion. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

- **Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved Parties must be made aware of audio and/or video recording.

- **Evidentiary Considerations in the Investigation**

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the Parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

- **Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the Parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation – when the final investigation report is transmitted to the Parties and the Decision-maker – unless all Parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker or panel of Decision-makers from the Pool.

- **Hearing Decision-maker Composition**

The University will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator. The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the Resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any Party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

Legal counsel for the University may be present in the hearing to observe and provide legal counsel to the Chair or panel during recesses which may be called by the Chair as reasonably necessary.

- **Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the Parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that

someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate Sanction upon a determination of responsibility, in accordance with the University's progressive discipline system. This information is only considered at the Sanction stage of the process. University personnel may not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written Consent to do so for a grievance process under this section.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

- **Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the Parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential Sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the Parties located in separate rooms using technology that enables the Decision-maker(s) and Parties to see and hear a Party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded or transcribed and on access to the recording for the Parties after the hearing.
- A statement that if any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the Party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the Parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The Party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each Party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least

seven (7) business days prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the Resolution timeline followed by the University and remain within the 60-90 business Day goal for Resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

- **Alternative Hearing Participation Options**

The Title IX Coordinator or the Chair can arrange to use web or video conferencing technology to allow remote testimony and otherwise conduct a live hearing by video conference without compromising the fairness of the hearing. Remote options may also be needed during in-person hearings for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

- **Pre-Hearing Preparation**

The Chair, after any necessary consultation with the Parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the Parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all Parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the Parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The Parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than 48 hours prior to the hearing. Decision-makers will only be substituted if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all Parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the Parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business Day period prior to the hearing, the Parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each Party by the Chair.

- **Pre-Hearing Meetings**

The Chair in their discretion may convene a pre-hearing meeting(s) with the Parties and their Advisors to invite them to submit the questions or topics they (the Parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

At each pre-hearing meeting with a Party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the Parties prior to the hearing to assist in preparation for the hearing. The Chair may during a recess consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

- **Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of Sexual Harassment and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the Sexual Harassment, including related Retaliation.

Participants at the hearing may include the Chair, any additional panelists, a hearing facilitator (if deemed necessary) the Investigator(s) who conducted the investigation, the Parties, Advisors to the Parties, any called witnesses, the Title IX Coordinator, observing legal counsel for the University, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the Parties and will then be excused.

- **Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

- **The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

At the hearing, recording, witness logistics, Party logistics, curation of documents, separation

of the Parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various Parties/witnesses as they wait; flow of Parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

- **Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the Parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations. Neither the Parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and Parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

- **Testimony and Questioning** Once the Investigator(s) present their report and are questioned, the Parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The Parties/witnesses will submit to questioning by the Decision-maker(s) and then by the Parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the Parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the Party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

- **Refusal to Submit to Cross-Examination and Inferences**

If a Party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that Party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is

something other than a statement by the Party or witness may be considered.

If the Party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the Party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. Similarly, statements can be relied upon when questions are posed by the Decision-maker(s), as distinguished from questions posed by Advisors through cross-examination.

The Decision-maker(s) may not draw any inference solely from a Party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than Sexual Harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all Parties through their Advisors, and may draw reasonable inferences from any decision by any Party or witness not to participate or respond to questions.

If a Party's Advisor of choice refuses to comply with the University's established rules of decorum for the hearing, the University may require the Party to use a different Advisor. If the University-provided Advisor refuses to comply with the rules of decorum, the University may provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.

- **Recording Hearings**

Hearings (but not deliberations) are recorded or transcribed by the University for purposes of review in the event of an appeal. The Parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the Parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

- **Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to make a Finding or Final Determination. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

The Decision-maker(s) will review the statements from the hearing and any pertinent conduct history and determine the appropriate Sanction(s).

The Chair will then prepare a written determination regarding responsibility and deliver it to the Title IX Coordinator, detailing the elements listed below:

- Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings

- held;
- Findings of fact supporting the Final Determination;
- Conclusions regarding the application of the University's Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a Final Determination regarding responsibility, any disciplinary Sanctions the University will impose on the Respondent, and whether Remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by Kenzie Academy from SNHU University to the Complainant; and
- The University's procedures and permissible bases for the Complainant and Respondent to appeal.
- This report typically should not exceed five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the Parties.
- Resolution Letter within 7 days of receiving the deliberation statement, the Title IX Coordinator will assist the Decision Maker to convey Kenzie Academy from Southern New Hampshire University Student Handbook findings of fact, in the form of a Resolution Letter, signed by the Decision Maker. The Resolution Letter will be shared with the Parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official University records, or emailed to the Parties' University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Remedies (other than Sanctions) provided to the Complainant designed to ensure access to the University's educational or employment program or activity are not typically shared with the Respondent unless the Remedy directly relates to the Respondent.

The Resolution Letter will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

- Factors that may be considered when determining a Sanction/responsive action may include, but are not limited to:
 - The nature, severity of, and circumstances surrounding the violation(s)
 - The Respondent's disciplinary history
 - Previous allegations or allegations involving similar conduct
 - The need for Sanctions/responsive actions to bring an end to the Sexual Misconduct, Sexual Harassment, and/or Retaliation
 - The need for Sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or Retaliation
 - The need to remedy the effects of the discrimination, harassment, and/or Retaliation on the Complainant and the community
 - The impact on the Party
 - Any other information deemed relevant by the Decision-maker(s)

The Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The Sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or Sanctions imposed by external authorities.

Student Sanctions: The following are the usual Sanctions that may be imposed upon students or organizations singly or in combination:

- Warning A warning consists of formal notification that the student has violated the university's community standards and advises that repetition will result in a more severe Sanction.
- Reprimand At this increased standing, students understand a formal reprimand is in place.
- Probation This Sanction is the most serious warning for violation of university regulations prior to university suspension, and it places limits on the student's good standing with the university. Students on probation may be limited in their ability to attend university programs and if a student is currently in residence, this status automatically carries residence probation. If the student is found responsible for violating any university policy during the period of probation, both residence suspension and/or university suspension may become effective and the student may be subject to additional Sanctions.
- University Suspension means that the student is dismissed from the university for a given period of time, with an opportunity for re-admission. If suspended from the university, the student will be barred from all university facilities and online environments and from all university functions for the period of his/her/their suspension.
- University Dismissal If a student is dismissed from the university, he/she/they is permanently dismissed from the university without opportunity for readmission. If dismissed from the university, the student will be barred from all university facilities and online environments and from all university functions.

As this model is presented in increasing severity, it should be noted that violations may be cumulative. A student's prior conduct history and length of time between violations are factors considered when selecting a conduct Sanction.

In some cases, a Sanction may be held in abeyance. This means that the suspension will not be enforced immediately, but is "in place". This conduct status requires that specific conditions be fulfilled. Any violation of those conditions will result, at a minimum, in immediate enforcement of the suspension without a hearing. It may also result in further conduct action.

Employee Sanction: Responsive actions available for an employee who has engaged in Sexual Harassment, Sexual Misconduct, and/or Retaliation include:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above Sanctions, the University may assign any other Sanctions as deemed appropriate
- Withdrawal or Resignation While Charges Pending

Students

If a student has an allegation pending for violation of this Policy, the University may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the Resolution process, the process proceeds absent their participation to a reasonable Resolution. Should a student Respondent permanently withdraw from the University, the Resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student with respect to Sexual Harassment.

However, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Sexual Harassment, and/or Retaliation. The student who withdraws or leaves while the process is pending may not return to the University. Such exclusion applies to all campuses and modalities of the University. A hold will be placed on their ability to be readmitted. They may also be barred from University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one term), the Resolution process may continue remotely, and that student is not permitted to return to the University unless and until all Sanctions have been satisfied.

Employees

Should an employee Respondent resign with unresolved allegations pending, the Resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee. However, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged Sexual Harassment. The employee who resigns with unresolved allegations pending is not eligible for rehire with the University or any campus of the University, and the records retained by the Title IX Coordinator will reflect that status.

Appeals

Any Party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 7 days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. No Appeal Decision maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal. This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Grounds for Appeal

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the Final Determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Chair and the Parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other Party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other Party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 7 days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all Parties for review and comment.

Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Chair will render a decision in no more than 7 business days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all Parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the Finding on each ground for appeal, any specific instructions for remand or reconsideration, any Sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official institutional records, or emailed to the Parties' the University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Sanctions Status During the Appeal

Any Sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the Sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation. The University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original Sanctions included separation.

Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the Finding only when there is clear error and to the Sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the Finding and/or Sanction(s).
- The Appeal Chair/Panel may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or Sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s). o The results of a new hearing can be appealed, once, on any of the three available appeal grounds
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status.

Failure to Comply with Sanctions

All Respondents are expected to comply with the assigned Sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal

Chair/Panel).

Failure to abide by the Sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional Sanction(s)/action(s) pursuant to the University's standard conduct process, including suspension, expulsion, and/or termination from the University. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Recordkeeping

The University will maintain for a period of at least seven years records of:

- Each Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary Sanctions imposed on the Respondent;
- Any Remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity
- Any appeal and the result therefrom;
- Any Informal Resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on the University's website; and Any actions, including any supportive measures, taken in response to a report or Formal

Complaint of Sexual Harassment, including:

- The basis for all conclusions that the response was not deliberately indifferent;
- Any measures designed to restore or preserve equal access to the University's education program or activity; and
- If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known Circumstances.
- The University will also maintain any and all records in accordance with state and federal laws.

Disabilities Accommodations in the Resolution Process

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's Resolution process.

Students needing such accommodations or support should contact the Campus or Online Accessibility Centers. Employees should notify their HR business partner. The request will be reviewed, and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

SNHU Institutional Sexual Misconduct Grievance Procedures Scope

The University adopts these Institutional Sexual Misconduct Grievance Procedures for purposes of all Sexual Misconduct this is not otherwise subject to the Sexual Harassment Grievance Procedures (hereafter referred to as "other Sexual Misconduct").

These procedures do not apply for cases where both the Complainant and Respondent are employees, and not students. Instead, procedures and policies of the Employee Handbook and SNHU PEA Master Agreement (as applicable) apply to such matters between employees falling outside the scope of the definition/jurisdiction of Sexual Harassment under this Policy.

Procedure

The University adopts and will employ the same procedures as are set forth in Section 9, above, including designated appeal procedures, for purposes of addressing all other Sexual Misconduct, with the following important exceptions.

For purposes of these Institutional Sexual Misconduct Grievance Procedures

- **Advisors:** Advisors may attend Investigatory meetings and hearings, but may only provide input and advice to the student for whom they are appointed directly. They may not advocate directly or represent the student in any proceedings, nor question witnesses. Reasonable breaks or recesses can be provided to permit private consultation with Advisors.
- **Cross Examination:** Neither a student nor his or her Advisor is permitted to directly cross examine another Party. Questions for the witness may be submitted by the questioning student, and, after assessment by the Chair, may be asked, or modified, to the witness by the Chair directly.
- **Admissibility of Statements:** Statements made but which are not the subject of cross-examination may still be considered and weighed by the Decision-Maker(s). This may occur, for example, if a Respondent or Complainant does not attend a hearing, but made statements to the Investigator in the course of an Investigation. Section 9.28, therefore, does not apply.
- **Dismissal Requirements:** The mandatory dismissal requirements set forth in Section 9.2, Subsection I. do not apply. The discretionary dismissal standards articulated in Subsection II do apply. In addition, the Title IX Coordinator may dismiss any complain that would not constitute Sexual Misconduct or a violation of this Policy, even if proved, or if the Respondent is not subject to the University's jurisdiction or control.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing Sexual Misconduct, including Sexual Harassment, and related Retaliation and will be reviewed and updated by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the Resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any Party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be constructed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.