

# ANNUAL SECURITY/FIRE SAFETY REPORT

2020 – 2021 Academic Year

Includes Crime Statistics for Calendar Years (CYs)  
2017, 2018 & 2019



Presented by:

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## Notice of Nondiscrimination

Rivier University does not discriminate on the basis of race, color, national origin, religion, age, veteran or marital status, sex, sexual orientation, gender identity or disability in admission or access to, treatment in or employment in its programs and activities, and Title IX requires that the University not discriminate on the bases stated above. The following person has been designated to handle inquiries regarding Title IX and the nondiscrimination policies: Director of Human Resources, Justine Caron, ext. 8210 at her office extension or at [TitleIXcoordinator@rivier.edu](mailto:TitleIXcoordinator@rivier.edu).

Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Boston Office, Office for Civil Rights, US Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921, P: (617) 289-0111, F: (617) 289-0150; TDD: (877) 521-2172, [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov).

# RIVIER UNIVERSITY 2019/2020 ANNUAL SECURITY AND FIRE SAFETY REPORT

**Enrollment:** For the 2019-2020 academic year, Rivier University enrollment was approximately 2,757 students. The enrollment consists of Undergraduate students, Professional Studies students, Graduate students and Doctoral students. In addition, Rivier University has F-1 International students from China, Denmark, Ecuador, India, Kenya, Myanmar, Nepal, Netherlands, Nigeria, Rwanda, Saudi Arabia, Spain, Turkey. There is a student/faculty ratio of 15:1.

The Department of Public Safety is responsible for policy enforcement, security and emergency response on the campus. The Department is under the leadership of the Director of Public Safety, who reports to the Vice President for Student Affairs. Institutional Clery compliance initiatives are managed by the Director of Public Safety. The Department's Supervisor, who reports to the Director of Public Safety, is responsible for coordinating the daily patrol and security operations and activities of the Department. The Department is open and staffed 24 hours a day/7 days a week by five full-time officers and a Supervisor who patrol the campus and staff the Public Safety Office. The Department's Director is additionally responsible for Life and Fire Safety, and safety concerns. The Department's Director is additionally responsible for in-service training, crime prevention services, field training, and both internal and external administrative investigations. The Director of Public Safety is specifically assigned Title IX investigations and violence prevention initiatives.

The Department also has a contingent of one part-time public safety officer who supplements patrol and life safety operations, as well as other pertinent security-related operations. The Department patrols the campus and provides public safety services through the deployment of vehicle and foot patrols.

To be successful in providing the highest degree of public safety services on the campus, it is important that community members follow good safety practices and understand that safety is the responsibility of all community members, not just those officially and formally charged with enforcing the laws, policies, and rules. This includes using the escort service, locking your valuables, and reporting suspicious/criminal activities. The Department of Public Safety (DPS) takes a leadership role in this area. This includes preventative patrols, incident investigation, and crime reporting, fire safety and prevention, and crime prevention. Public Safety Officers receive training in security, law enforcement, and emergency care. Full-time uniformed and patrol officers and the Supervisor are trained as emergency medical responders, which includes first aid, CPR and the use of an AED. The DPS Office is located in the Dion Center at 16 Clement Street.

This publication is intended to provide you with information on educational programs, safety practices, crime statistics, and policies regarding the reporting of emergencies and campus crime rates. It is the primary objective of the Department of Public Safety to work collaboratively with campus community members in our collective efforts to continually enhance the safety of the campus environment, thereby affording opportunities for community members to work, live, study, and personally and professionally develop both intellectually and socially. Should you have questions, comments, or suggestions regarding the information contained within this publication or any related public safety policies, procedures, or operations, please feel free to contact the Director of Public Safety at (603) 897-8477

Sincerely,

Robert Casey  
Director of Public Safety

## CRIME/EMERGENCY REPORTING AND UNIVERSITY RESPONSE

Campus community members - students, faculty, staff, and guests - are encouraged to report all criminal actions, emergencies, or other public safety related incidents occurring within the University's Clery geography to the Rivier University Department of Public Safety (DPS) in an accurate, prompt, and timely manner. The University's Clery geography encompasses on campus property, including campus residence halls, buildings, and/or facilities and public property adjacent to and immediately accessible from on-campus property. The Department of Public Safety has been designated by Rivier University as the official office for campus crime reporting. DPS strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures Public Safety is able to evaluate, consider and send timely warning reports, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure. Rivier University further encourages accurate and prompt reporting to DPS and/or the local police when the victim of a crime elects to, or is unable to, make such a report. This publication focuses on DPS because it has primary responsibility for patrolling the Rivier University campus, and it has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to the Nashua Police Department.

To report a crime or emergency, members of the community should:

- Call the Department of Public Safety by dialing (603) 888-1666, (603) 897-8888 or on campus extension 8888
- Report in person to the Department of Public Safety at the Public Safety office located in the Dion Center, Room 204, at 16 Clement Street
- Crimes or emergency situations can be reported to the Nashua Police Department at (603) 594-3500 or local emergency services by dialing 911
- Sex Offenses and other incidents of sexual or relationship violence can also be reported to the University's Title IX Coordinator at [TitleIXCoordinator@rivier.edu](mailto:TitleIXCoordinator@rivier.edu), by dialing (603) 897-8210, on-campus extension 8210, or in person at Molloy Hall on the second floor
- Contact the Office of Human Resources (HR) by dialing (603) 897-8717, on campus extension 8717, or in person at the HR office located on the second floor of Molloy Hall
- Contact the Vice President for Student Affairs by dialing (603) 897-8249, or in person at the Office of the Vice President for Student Affairs located in the Dion Center, Room 209
- Emergency Phones located throughout campus can also be used to contact Public Safety to report a crime or emergency
- Complete the online "Silent Witness" reporting form at <https://www.rivier.edu/student-life/publicsafety/silent-witness> (This form should only be used for non-emergency or non-urgent reporting)

**Response to Reports:** Officers or a dispatcher are available 24 hours a day to answer campus community calls. DPS procedures require an immediate response to emergency calls. DPS works closely with a full range of city resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. The Department of Public Safety responds to all reports of crimes and/or emergencies that occur on-campus and adjacent to campus within its public property reporting area. Public Safety personnel also can notify the Nashua Police Department or the 911 emergency services of emergency situations occurring on campus. This system allows Public Safety to summon assistance from emergency responders if deemed necessary and appropriate. Incidents occurring on-campus, within residence halls or on recognized public property adjacent to or contiguous to University owned, controlled, operated, or recognized facilities, buildings, or areas are documented and processed for further investigation and review by the Director of Public Safety and/or the Nashua Police Department, depending upon the nature of the crime or emergency and the involvement of the Nashua Police Department. Additional information obtained via any investigation will also be forwarded to the Office of the Vice President for Student Affairs.



To obtain information or request any public safety escort service, community members should call (603) 897-8888 or extension 8888. Located throughout campus are well-marked exterior phones. These phones access the campus phone system and can be used like any campus extension (for example, to obtain emergency assistance or obtain general information). When placing an emergency call, remember to stay on the line and wait for the officer or dispatcher to end the call. These exterior phones should be used when seeking information and/or reporting activities, to include criminal incidents. If a member of the community finds any of these phones inoperative or vandalized, they should call the DPS so that the phone can be repaired or replaced as quickly as possible. If assistance is required from the Nashua Police Department, American Medical Response or Nashua Fire Rescue, DPS will contact the appropriate unit.

If a sexual assault should occur on campus, staff on scene, including DPS, will offer the victim a wide variety of resources and services. This publication contains information about on-and off-campus resources and services and is made available to the Rivier University community. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Rivier University.

As mentioned, crimes should be reported to DPS to ensure inclusion in the annual crime statistics and to aid in providing timely warnings to the community, when appropriate. For example, a crime that was reported only to the Rivier University Counseling and Wellness Center would not be known to DPS, a campus security authority (CSA), or other University official.

## RESPONSIBILITIES OF THE RIVIER UNIVERSITY COMMUNITY FOR THEIR OWN PERSONAL SAFETY

Members of the Rivier University community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance:

- Report all suspicious activity to DPS immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Use the DPS escort service.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call DPS or NPD for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Always carry your keys and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home. **DO NOT PROP INTERIOR OR EXTERIOR DOORS.**
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner’s recognized numbers, such as a driver’s license number, on items of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

### Voluntary Confidential Reporting:

Rivier University does not provide a confidential reporting option to Campus Security Authorities (CSA) and does not allow for voluntary confidential reporting.

### Confidential Reporting:

Students may make confidential reports to a Certified Counselors assigned to the Counseling and Wellness Center. Certified Counselors in their capacity and function do not make identifiable reports of incidents to the Department of Public Safety unless the student specifically requests them to do so. However, the University encourages counsellors, if and when they deem it appropriate, to inform students they can report incidents of crime to DPS, which can be done directly or anonymously through the facilitated anonymous reporting process as outlined below.

### Anonymous Reporting:

The Rivier University Department of Public Safety, unless otherwise prescribed by law or as set forth within this Annual Security and Fire Safety Report, does not take anonymous incident reports. The only exceptions to this policy are addressed below:

### Facilitated Anonymous Reporting:

Students may request a Certified Counselor in the Counseling and Wellness Center to facilitate anonymous reporting designed to capture general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the university's Annual Security and Fire Safety report.

### Silent Witness:

The DPS webpage has a "Silent Witness" Form to allow campus community members the opportunity to report safety and security related concerns and to provide DPS with "tips" about criminal incidents or behavior on campus. The "Silent Witness" Form is monitored by several members of DPS. The "Silent Witness" Form should not be used in emergency situations. For emergencies call 911 or (603) 888-1666

While anonymous reporting is available by these limited means, the University's ability to investigate and appropriately address allegations of misconduct will be significantly limited. Crimes reported confidentially to the Counseling and Wellness Center or Pastoral Counselor are not disclosed in the University's crime statistics or reporting processes unless those crimes are reported to DPS through the facilitated anonymous reporting process.

## STATISTICAL DISCLOSURE OF REPORTED INCIDENTS

Incidents reported to DPS that fall into one of the required reporting classifications as defined by the Clery Act will be disclosed as a statistic in the appropriate crime table within this annual security and fire safety report published by DPS.

## REPORTING A CRIME TO THE NASHUA POLICE DEPARTMENT

A person reporting a crime to DPS has the right to report the crime to the Nashua Police Department by calling 911 or (603) 594-3500. DPS officers regularly discuss this option with the victim of a crime and will assist the victim with that process.

## OFF-CAMPUS CRIME

If the Nashua Police Department is contacted about criminal activity off campus involving Rivier University students, the police may notify DPS. Students in these cases may be subject to arrest by the local police and university disciplinary proceedings through the Office of the Vice President for Student Affairs or designee.

## MONITORING OF NON-CAMPUS STUDENT ORGANIZATIONS

Rivier University has no officially recognized student organizations that have non-campus facilities/residences. DPS does not patrol or provide oversight of privately-owned property/residences rented by students that fall outside of the University's Clery geography.

## PUBLIC SAFETY AUTHORITY AND JURISDICTION

### Public Safety Enforcement Authority:

The Department of Public Safety is responsible for providing security services for the Rivier University Campus. Public Safety Officers and staff are responsible to Rivier University for the enforcement of University policies and Federal and State laws for campus administrative purposes only. Public Safety investigates campus criminal incidents for administrative purposes as they relate to its campus judicial process. Criminal incidents may be investigated for possible criminal prosecution by the Nashua Police Department or other law enforcement agency with jurisdiction. The Vice President for Student Affairs in conjunction with the Title IX Coordinator, Assistant Vice President for Student Affairs, and Human Resources as it relates to employee conduct, coordinate disciplinary action for matters that are violations of University rules.

### Public Safety Arrest Authority:

Department of Public Safety (DPS) personnel are non-sworn security personnel for Rivier University and have no official powers of arrest authority. DPS will summon support from the Nashua Police or other applicable law enforcement entities to affect an arrest on or within campus-owned property.

### Public Safety Jurisdiction:

Public Safety's jurisdiction encompasses on-campus property that includes campus residence halls, buildings, and/or facilities, and public property adjacent to and accessible from on-campus property.

Public Safety has no jurisdiction or enforcement authority outside of its identified Clery reporting geography. This includes areas and/or properties that are not owned, rented, leased, recognized or otherwise controlled by the University.

### Criminal Background Checks:

The University does not routinely conduct state and/or federal criminal background investigations on prospective students. However, it is the policy of the University that all new employees and faculty, as well as volunteers and interns who have significant interaction with Rivier University students, have their criminal background records and sex and violent offender registries checked as soon as possible after an offer of employment has been accepted.

## SECURITY OF AND ACCESS TO CAMPUS FACILITIES

### Academic and Administrative Buildings:

The Rivier University campus is open to the public. The majority of academic and administrative buildings are open during normal business hours (typically Monday through Friday, from 8am to 5pm, except holidays) and are typically secured during the late evening hours, depending upon special event scheduling and community usage.

The Regina Library's hours can fluctuate, but the library is normally accessible by campus community members, Sunday through Saturday of each week, except holidays, break periods and summer session in which case the hours of operation vary. Members of the Department of Public Safety regularly patrol the interiors and exteriors of all campus facilities.

### Residence Halls:

Access to residence halls is restricted to Rivier University students and authorized staff, and the halls are secured by key and lock systems 24 hours a day/7 days a week. Members of the Department of Public Safety regularly patrol the interior common areas, spaces, and hallways of buildings equipped with such common spaces and regularly patrol the exteriors of all campus residence halls. Residence hall professional and student staff also enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

### Break Housing:

During the academic year, the University closes the residence halls for Thanksgiving, Christmas, Easter and Spring Breaks. Residence halls usually close during late afternoon after the last day of class or exams during these periods and reopen during the morning on the day before the first regularly scheduled class. Notices of specific times and dates are publicized in the residence halls before each break. Students are reminded to make travel arrangements accordingly; all students must vacate the residence halls during the breaks. Break Housing for students who cannot return home or leave campus over breaks due to internships or student teaching may be provided.

When the residence halls close for breaks, students are expected to take out trash and perishable food, unplug items in the room, turn out the lights, and shut and lock the windows. Bedroom doors are lockable and must be closed and locked. A list of complete closing procedures will be distributed to the resident students by email and postings in the residence halls prior to each break closing. Residents may leave personal items in their room during all breaks, except for the summer. However, due to the "unoccupied" status of the residence halls during breaks, it is suggested that students take valuable items with them to ensure their safety.

Staff members from Residence Life conduct inspections during breaks. Any infractions will be noted, and the student will be notified and/or charged accordingly. Any student requesting access to their residence hall or room during University break periods when the University residence halls are officially closed can be given permission by the Director of Residence Life and Student Housing. The student shall present themselves to the Department of Public Safety and request permission for access. Public Safety will allow a student access to their respective room for legitimate reasons only. Public Safety officers use full discretion in determining a student's legitimacy to enter the closed residence hall based on the information given. For example, access should be limited to medical needs and necessities and similar related urgent requests. Once the legitimacy of the request is established, access requests will be managed as follows: The student's identity, resident status, and room assignment will be verified. After this verification, an officer will escort the student to their room, allow drop-off or retrieval of the item(s) in question, and then escort the student from the building.

## MAINTENANCE OF CAMPUS FACILITIES

Rivier University facilities and landscaping are maintained in a manner that minimizes hazardous conditions. DPS regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. Campus community members can additionally report hazards directly to Facilities Management through an online service response reporting process. The campus' overall safety and security program is supplemented by a variety of technological systems including access control, closed circuit television, emergency phones and fire detection, suppression and reporting systems. Other members of the University community are helpful when they report equipment problems to DPS or Facilities Management.

## DPS TRAINING

The Director of Public Safety is primarily responsible for conducting intensive and continuing training for campus public safety officers. Training topics may include criminal law, civil law, federal law, the Clery Act and campus security authority, Title IX, sexual assault and gender violence response and investigation, trauma informed investigation, public relations, interpersonal communications, crisis intervention, critical incident response and incident command system, emergency operations, emergency medical training, and all facets of protection of persons and property. Training includes annual in-service sessions, select out-service seminars and conferences, applicable online training/webinars, and regular shift-change information sessions.

## PUBLIC SAFETY'S WORKING RELATIONSHIPS WITH OTHER LAW ENFORCEMENT AGENCIES

The Rivier University Public Safety Department maintains a close working relationship with the Nashua Police Department. Collaborative meetings are occasionally held to review issues and incidents occurring within the multiple local jurisdictions. Public Safety is comfortable with and capable of reaching out to the Nashua Police Department for support and assistance as it relates to the safety and security of the campus community.

DPS officers and local law enforcement officers communicate regularly on the scene of incidents that occur in and around the campus area. DPS investigators work closely with local law enforcement investigators when incidents arise that require joint communication efforts.

### Written Memorandums of Understanding with Local Police:

There is a written agreement or Memorandum of Understanding (MOU) between the Rivier University Department of Public Safety and the Nashua Police Department (NPD). The current agreement specifically addresses the response and investigation of alleged incidents of sexual assault and relationship violence, minor property crimes, alcohol and drug violations, various degrees of assault, crimes of extreme violence and missing persons.

## CAMPUS SAFETY ALERTS - NOTIFYING THE RIVIER UNIVERSITY COMMUNITY ABOUT CRIMES

In an effort to provide timely notice to the Rivier University community in the event of a criminal situation that may pose a serious or continuing threat to members of the campus community, a Campus Safety Alert (timely warning notice) that withholds the names of victims as confidential and that will aid in the prevention of similar crimes, is sent primarily by blast email to all students and employees on campus as soon as pertinent information is available. Alerts can also be sent via Rivier's text/voice messaging system and other notification methods, as outlined in the Emergency/Immediate Notification section of this Annual Report. The intent of a Campus Safety Alert is to warn the campus regarding a criminal incident and providing individuals an opportunity to take reasonable precautions to protect themselves.

Campus Safety Alerts are generally written and distributed to the campus community by the Director of Public Safety and they are sometimes reviewed and approved by the Vice President for Student Affairs or Assistant Vice President for Student Affairs prior to distribution. The Director of Public Safety has the authority to issue a Campus Safety Alert without such consultation if consultation time is not available. Should the Director of Public Safety be directly impacted and involved in an incident response or otherwise unavailable, any trained member from the Marketing and Communications Office could write and send a Campus Safety Alert.

Campus Safety Alerts are sent to the university community to notify members of the community about specific Clery Act crimes (as described below) that have been reported to DPS and that have occurred on campus or public property, where it is determined that the incident may pose a serious or continuing threat to members of the University community.

Crimes that occur outside the campus' Clery geography, as stipulated or other non-Clery specific crimes, will be evaluated on a case-by-case basis. Information related to these crimes may be distributed to the campus as a Campus Security Alert, as outlined and described in the below policy statement for "Campus Security Alerts." Updates to the campus community, when deemed necessary, about any particular case resulting in a Campus Safety Alert may be distributed via blast email, may be posted on the university website, and may be distributed by the Director of Public Safety or other members of the Emergency Response Team as deemed necessary and appropriate. Campus Safety Alert posters may also be posted by DPS in campus buildings when deemed necessary. Rivier University professional staff are informed of their responsibility to share Alert information with their sponsored visitors and/or guests. Staff are instructed to inform conference attendees, camp counselors, and/or directors/leaders about Alerts.

Campus Safety Alerts may be distributed for any of the following Clery Act crime categories/classifications: murder and non-negligent manslaughter, sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, arson, hate crimes, motor vehicle theft, domestic violence, dating violence, stalking, or arrests and referrals for liquor law, weapons law, and drug law offenses.

Alerts for the crimes of aggravated assault, motor vehicle theft, burglary, sex offenses, domestic violence, dating violence, stalking, and arrests or referrals for liquor, drug, and weapons offenses are considered on a case-by-case basis and depend upon a number of factors. These include the nature of the crime, the timeliness of the report, and the continuing or ongoing danger to the campus community (such as whether the perpetrator was apprehended) and the possible risk of compromising law enforcement efforts. For example, if a physical assault occurs between two students who have a disagreement, there may be no continuing threat to other Rivier University community members and a Campus Safety Alert would not be distributed.

In cases involving sex offenses that can be typically reported long after the incident occurred, there is no ability to distribute a Campus Safety alert to the community in a timely manner. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the Department of Public Safety.

Typically, alerts are not issued for any incidents reported that are older than ten (10) days from the date of occurrence.

The DPS supervisor confers with the Director of Public Safety during incidents to ensure a proper review of all criminal and/or serious incidents to determine if there is a continuing threat to the community and if the distribution of a Campus Safety Alert is warranted.

Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance to a crime victim. At Rivier University, this would only apply to certified professional counselors from the Counseling and Wellness Center who are performing that specific function and role as their primary employment with the University.

## CAMPUS SECURITY ALERTS

A Campus Security Alert may be sent to the campus community for general crime prevention purposes, to inform the community of crimes and/or incidents that are not generally time sensitive or considered to be a continuing threat, but are important to be aware of, and/or to inform the campus of incidents occurring on, around, or even off campus that do not meet the requirements or specifications for distribution of a Campus Safety Alert, as outlined above.

A Campus Security Alert may be sent by the Director of Public Safety by blast email to all students and employees on campus. These alerts could also be sent by any member of the Campus Emergency Response Team.

Updates to the campus community about any particular case resulting in a Campus Security Alert, may be distributed via blast email by the Director of Public Safety or other member of Campus Emergency Response Team as deemed necessary and appropriate.

## DAILY CRIME AND FIRE LOG

The Department of Public Safety makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection during normal business hours (typically Monday through Friday, from 8:30am to 4:30pm, except holidays) at the Director of Public Safety's Office located in the Dion Center at 16 Clement St. Any portion of these crime and fire logs that is older than 60 days is made available for public inspection within two business days of a request. All confirmed fires occurring within or on any on-campus residential facilities will also be included in the Daily Crime and Fire Log. The information in the crime and fire log typically includes the incident number, crime classification or nature of the fire, date reported, date occurred, general location of crime or fire, and disposition of each reported crime or fire. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires that may impact the University's campus community. The names of crime victims will not be listed on the Daily Crime and Fire Log.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the university's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime and Fire Log within two business days of when it is reported to the Department of Public Safety. It is important to note that DPS has no jurisdiction outside of its identified Clery geography.

## PREPARATION OF ANNUAL DISCLOSURE OF CRIME STATISTICS & CLERY COMPLIANCE

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The Rivier University Department of Public Safety is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the Director of Public Safety or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: the Rivier University Public Safety Department (DPS), the Nashua Police Department (NPD), and non-police or public safety personnel who have been designated as Campus Security Authorities or CSAs. The Office of Residence Life and Human Resources Department are key offices from which drug, liquor, and weapon offense referral data is obtained.

Final report preparation is coordinated by the Director of Public Safety with the Vice President for Student Affairs.

A written request for statistical information is made at least on an annual basis to all Campus Security Authorities or CSAs (as defined by federal law). CSAs are also informed in writing and/or through training to report crimes to DPS in a timely manner so those crimes can be evaluated for timely warning purposes. A Campus Security Authority or CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g. an individual who is responsible for monitoring the entrance into an institutional property)
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An

**official** is defined as any person who has the authority and the duty to act or respond to particular issues on behalf of the institution.

Statistical information is not requested from, nor is it provided by, Certified Counselors of the Counseling and Wellness Center who are performing that function and role as their employment with the University. Certified Counselors are not required by law to provide statistics for this compliance document. Counseling as defined by the Federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to DPS for inclusion in the annual statistics. The Counseling Center facilitates anonymous reporting, as outlined earlier in this Annual Security and Fire Safety Report.

All statistics are gathered, compiled, and reported to the university community via this report, entitled the “Annual Security and Fire Safety Report,” which is published by DPS no later than October 1st of each year. DPS submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. Table One satisfies the requirements outlined by the Clery Act.

DPS sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. The email includes a brief summary of the contents of this report and the address for the DPS website where the Annual Security and Fire Safety Report can be found online, and notification that a physical copy may be obtained by making a request to DPS by calling (603) 897-8477 or in person at the Department of Public Safety at 16 Clement St.

### Specific Information about Classifying Crime Statistics:

The statistics in this brochure are published in accordance with the definitions and many of the standards and guidelines used by the FBI Uniform Crime Reporting Handbook, National Incident-Based Reporting System (NIBRS), relevant federal law (the Clery Act), and applicable State law.

### Clery Act Reporting

For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons violations the statistics indicate the number of people arrested by law enforcement or referred to the Office of Student Affairs for possible disciplinary action for violations of those specific laws.

Hate crimes are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender’s bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim’s race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime. For Clery Act Purposes, Hate Crimes include any of the following offenses that are motivated by the offender’s bias: Murder and Non-negligent Manslaughter, Sexual Offenses (rape, fondling, incest and statutory rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property.

Campus SaVE Act was signed into law on March 7, 2013, as part of the reauthorization of the Violence Against



Women Act (VAWA). It covers students and staff of institutions of higher education and amends the Jeanne Clery Act to include new reporting requirements for Domestic Violence, Dating Violence, and Stalking and additional policy statements and training requirements.

## CLERY-DESIGNATED CRIME DEFINITIONS

Rivier University is required to report crime statistics as defined by the Clery Act for the following crimes if the crimes are reported and occur in geographic locations as defined above.

**Unfounded Crime Reports** – According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority “if the investigation shows that no offense occurred nor was attempted.” These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as “unfounded” cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: false or baseless. Rivier University did not have any “unfounded” crimes during the last reporting period.

**Murder/Non-Negligent Manslaughter** – The killing of one human being by another.

**Manslaughter by Negligence** – The killing of another person through gross negligence.

The Federal definition (from VAWA) of **Sexual Assault**: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

- **Rape**: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- **Fondling**: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **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.

**Robbery** – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary** – The unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** – The theft or attempted theft of a vehicle.

**Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

## Domestic Violence, Dating Violence, and Stalking additions from the 2014 VAWA Negotiated Rulemaking Final Consensus Language:

The Federal definition (from VAWA) of **Domestic Violence**: a felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim
- by a person with whom the victim shares a child in common
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

The Federal definition (from VAWA) of **Dating Violence**: the term "dating violence" means violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim
- The existence of such a relationship shall be determined based on the reporting party's statement with consideration of:
  - the length of the relationship
  - the type of relationship
  - the frequency of interaction between the persons involved in the relationship
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of domestic violence

The Federal definition (from VAWA) of **Stalking**: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others
- suffer substantial emotional distress
- For the purposes of this definition:
  - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling

**Hate Crimes** – any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories. Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes. These new categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

## Hate Crime Definitions:

To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

**Bias** – a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.

**Bias Crime** – a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as Hate Crime.

**Note:** Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

## UNIFORM CRIME REPORTING (UCR)/NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) DEFINITIONS

The Uniform Crime Reporting (UCR) program divides offenses into two groups, Part I and Part II crimes.

The Part I Offenses are:

Criminal Homicide –

- A. **Murder and Non-negligent manslaughter:** the willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to:
  - a 1) the killing of a felon by a law enforcement officer in the line of duty
  - 2) the killing of a felon, during the commission of a felony, by a private citizen.
- B. **Manslaughter by negligence:** the killing of another person through gross negligence. Traffic fatalities are excluded.

**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. Statutory offenses (no force used; victim under age of consent) are excluded.

**Robbery** – The taking or attempted taking of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

**Burglary (Breaking or Entering)** – The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

**Larceny** - Theft (except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

**Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

The Part II Offenses are:

**Other Assaults (Simple)** – Assaults and attempted assaults which are not of an aggravated nature and do not result in serious injury to the victim. Includes subjecting a person to unlawful physical attack or in fear of bodily harm by word or action.

**Forgery and Counterfeiting** – The altering, copying, or imitating of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud. Attempts are included.

**Fraud** – The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. Fraudulent conversion and obtaining of money or property by false pretenses, confidence games and bad checks, except forgeries and counterfeiting, are included.

**Embezzlement** – The unlawful misappropriation or misapplication by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.

**Stolen Property - Buying, Receiving, Possessing** – Buying, receiving, possessing, selling, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc. Attempts are included.

**Vandalism** – To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. Attempts are included.

**Weapons; Carrying, Possessing, etc.** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.

**Prostitution and Commercialized Vice** – The unlawful promotion of or participation in sexual activities for profit, including attempts.

**Sex offenses** (except forcible rape, prostitution, and commercialized vice) —Statutory rape, offenses against chastity, common decency, morals, and the like. Includes the offense of fondling. Attempts are included.

**Drug Abuse Violations** – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics —manufactured narcotics that can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

**Gambling** – To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices, or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.

**Offenses Against the Family and Children** – Unlawful nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member and that are not classifiable as other offenses, such as Assault or Sex Offenses. Attempts are included.

**Driving Under the Influence** – Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.

**Liquor Laws** – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.

**Drunkenness** – To drink alcoholic beverages to the extent that one’s mental faculties and physical coordination are substantially impaired. Excludes driving under the influence.

**Disorderly Conduct** – Any behavior that tends to disturb the public peace or decorum, scandalizes the community, or shocks the public sense of morality.

**Vagrancy** – The violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.

**All Other Offenses** – All violations of state or local laws not specifically identified as Part I or Part II offenses, except traffic violations.

### Geography Definitions from the Clery Act:

**On-Campus** *defined as:* (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution’s educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building or Property** *defined as:* (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. Rivier University does not have any non-campus buildings or property.

The **Non-Campus geography** definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations:

- For example, students in the debate club take a trip to Washington, D.C. and stay at the same hotel every year. In this example, the institution must include in their Clery Act crime statistics any Clery Act crimes that occur in the rooms used by the students and any common areas used to access those rooms; including the lobby, elevator and staircases.

Rivier University does not have any non-campus geography.

**Public Property** *defined as:* All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. The Rivier University crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to the campus boundaries.

**On-campus Student Housing Facility** *defined as:* Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is a considered a subset of the On-Campus category.

**Reasonably Contiguous** *is defined in the 2016 Handbook for Campus Safety and Security Report as follows:* Refers to a building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the “campus.” Generally speaking, it is reasonable to consider locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

## Campus Crime Statistics for Rivier University (Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act) Calendar Years (CY) 2017-2019

Offense (Crimes Reported By Hierarchy)	Calendar Year 2017	Calendar Year 2018	Calendar Year 2019	On Campus (Including Residential)	Public Property	Total	On Campus (Residential Only)
Murder & Non- Negligent Manslaughter	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0
Rape	2	0	3	3	0	3	3
Fondling	0	2	2	1	1	2	1
Incest	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0
Burglary	2	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0
Weapons Law Arrests	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	15	21	14	14	0	14	12
Drug Law Violations Referred for Disciplinary Action	6	4	6	6	0	6	5
Weapons Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0
Domestic Violence	0	0	1	1	0	1	1
Dating Violence	0	0	1	1	0	1	1
Stalking	1	2	0	0	0	0	0

“Reported crimes” are allegations of crimes reported in good faith to CSAs. These crimes do not have to be investigated or adjudicated in order to count as a reported crime statistic in the ASFSR. Reported crimes may involve individuals not associated or affiliated with Rivier University. Reported Crimes may include information received from an anonymous reporting source. Residential Facility crime statistics are a subset of the On-Campus category (i.e. they are counted in both categories).

## Hate Crime Statistics

2017	Zero (0) hate crimes, as defined by applicable federal law, were reported at Rivier University in 2017.
2018	Zero (0) hate crimes, as defined by applicable federal law, were reported at Rivier University in 2018.
2019	Zero (0) hate crimes, as defined by applicable federal law, were reported at Rivier University in 2019.

## Unfounded Crimes

2017	Zero (0) unfounded crimes for calendar year 2017.
2018	Zero (0) unfounded crimes for calendar year 2018.
2019	Zero (0) unfounded crimes for calendar year 2019.

**NOTE:** The University made a reasonable and good faith effort to request and retrieve statistics from the Nashua Police Department, the local law enforcement agency with jurisdiction over the University's identified Clery geography. Reportable Clery crime data received from this agency is included in the crime statistics noted above.

## UNFOUNDED CRIMES

If a crime is reported as occurring on campus, in on-campus residential facilities, in or on non-campus buildings or property, or on public property, and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime after a thorough investigative process.

## IMMEDIATE OR EMERGENCY NOTIFICATION, EMERGENCY RESPONSE, AND THE EMERGENCY MASS NOTIFICATION SYSTEM (EMNS)

In the event of an emergency, an effective Campus-wide communications process is vital in order to provide the greatest safety possible for the University community. As part of its Emergency Management Operations, the University has adopted a formalized procedure for issuing immediate notifications to the campus community.

The immediate notification capability of the emergency mass notification system is designed to assist the University in immediately notifying the campus community upon confirmation of a significant emergency or dangerous situation occurring on or near the campus that involves an immediate threat to the health or safety of students or employees. A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation. Such situations would include, but are not limited to, a hazardous materials incident requiring shelter-in-place or evacuation, an armed intruder on or near campus, an approaching tornado, or a fire actively raging in a campus building.



The University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the campus community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Immediate notification to the campus can be accomplished through a variety of communication methods, but the use of the emergency cell phone text/voice messaging, and all campus email would be seen as the most common and quickest form of communication under these circumstances. Confirmation typically involves the response and assessment of DPS officers, university officials, local police, or emergency responders.

When on-duty Public Safety officers become aware of a situation that may warrant the issuing of an immediate notification, the on-duty Public Safety Officer confirms (through response, investigation, or collaboration with emergency responders) that there is a significant emergency and then immediately contacts the Director of Public Safety who quickly evaluates the situation to determine if an alert is warranted, develops the content of the notification message, and then identifies the appropriate segment or segments of the campus community who will receive the notification. The Director of Public Safety has the ability and authority to issue an alert without delay and without further consultation with any other University official. Notification message content is determined based on the type of incident, the context with which it is occurring, and the immediate danger or threat to the campus community and the need to advise campus community members to take action. The University will endeavor to make such notification sufficiently specific to enable recipients to take an appropriate response to the threat. Pre-canned messages have been prepared as part of the emergency notification system to aid in rapid communication processes. In situations lacking the presence of an imminent threat, the Director of Public Safety consults with the President, the Vice President for Student Affairs, and other members of the Campus Emergency Response Team prior to an alert being issued.

Follow-up notices/communications will be provided as necessary during an active incident and may be provided by the Director of Public Safety or a member of Campus Emergency Response Team. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the communication methods.

When the emergency mass notification system (Everbridge) is activated using email, and cell phone text/voice messaging, university officials will notify campus community members of the emergency situation, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the "shelter-in-place" concept.

Shelter-in-place means to take immediate shelter wherever you happen to be at the time of a shelter-in-place notification (in campus housing, in an academic or administrative building, etc.). Community members should remain in a shelter-in-place status until the all-clear is communicated by emergency response personnel via an emergency rapid communications system(s).

University authorities may instruct campus community members to "shelter-in-place" if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of the campus community. Immediate threats would include, but are not limited to: active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents.

### How to Shelter-In-Place:

- If you can safely evacuate a potentially dangerous or hazardous situation, do so immediately. If you cannot safely evacuate and you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel.
- Locate a room to shelter inside. It should be an interior room, above ground level, and without windows or with the least number of windows. If there is a large group of people

inside a building, several rooms may be necessary

- Shut and lock, if possible, all windows (tighter seal) and close exterior doors. Doors and windows may need to be barricaded, if possible.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able.
- Make a list of people with you and ask someone to call the list into DPS to inform them where you are sheltering.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

### Off-campus Emergencies:

DPS officials often receive emergency information from the City of Nashua Emergency Notification System regarding incidents in the city of Nashua that could imminently impact the safety of the Rivier University community. When appropriate, DPS notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

### Emergency Mass Notification System (Everbridge) Testing and Registration:

The Emergency Mass Notification System (Everbridge) will be tested at least each academic semester to ensure that all systems are working properly and that those authorized to use the system maintain a working knowledge of the system. These tests will also be educational moments for the campus community to remind them that this system does exist, and that it is a working and functioning system that they can rely upon.

Public Safety officers additionally test evacuation procedures for all residence halls at least twice each semester and academic/administrative buildings at least once each year as part of Public Safety's fire drill and safe evacuation programs.

The EMNS processes are tested once each semester – including the cell phone/text messaging systems. These tests are usually unannounced tests, but they may be announced. Because the EMNS is an opt-in system, students, faculty and staff have to load in their phone numbers into the cell/text notification system upon their registration for the EMNS.

### Registration Process

The registration process for the Everbridge system is quick and easy. Invitations will be sent to all unregistered faculty, staff, and students at the start of each semester, via your Rivier e-mail account. For new employees, an invitation will be sent shortly after you begin employment. If you need to have your invitation resent, please contact Kurt Stimeling in the Student Affairs Office at 603-897-8249. Follow the instructions in the e-mail invitation to register for the system.

#### If you have not previously registered on Everbridge:

- You will receive a registration e-mail from Everbridge. (Check junk mail if you don't see it.)
- Follow the instructions and link contained within the email.
- Create a password.
- You can now log-in any time and edit your additional contacts and the order in which they are contacted.

#### If you are already registered:

- Log-on and double check your contact methods:  
<https://member.everbridge.net/index/3091830992273716>

#### If you forget your password:

- Reset password at: <https://member.everbridge.net/index/3091830992273716>
- If you have trouble, e-mail [studentaffairs@rivier.edu](mailto:studentaffairs@rivier.edu) to receive a reset link.
- You can now log-in any time and edit your additional contacts and order they are used.

Please e-mail Student Affairs at [studentaffairs@rivier.edu](mailto:studentaffairs@rivier.edu) or call 603-897-8249 with any questions. The University's means of communicating during an emergency situation include the following, although not all of these methods are always employed. The communication method used would depend on the type of emergency:

- Cell phone Text/Voice Messaging
- All Campus E-Mail Alerts
- Voicemail
- Rivier website Emergency Screen Messages
- Facebook Account
- Telephone Trees
- Public Media (TV, radio, news websites)
- Flyers posted throughout campus
- Direct On-foot and in-person Notifications

## EVACUATION PROCEDURES

Rivier University DPS shall be responsible for the safe evacuation of all persons utilizing the University's facilities in the event of natural disasters, civil disturbances, and active threats. The level of necessity will determine the response by DPS. If large scale events occur that are beyond the resource capabilities of DPS and the University, officials will request assistance from outside emergency resources such as the Nashua Police Department, Nashua Fire Rescue, and American Medical Response. The need to implement evacuation from a campus building or the entire campus shall be based upon information received by or furnished to Rivier University.

The information may be in the form of instructions or advice from the City of Nashua Emergency Management, the Nashua Police Department, Nashua Fire Rescue or other officially recognized agency. Full or partial evacuations may be necessary as a protective action to reduce campus community members' exposure to a hazard. Protective actions reduce TIME of exposure, create DISTANCE, or provide SHIELDING from a specific hazard. Hazards that may require an evacuation include:

- Fire
- HAZMAT release
- Bomb threat or suspicious device/package
- Hostile Intruder
- Massive utility failure
- Severe weather conditions
- Hazard that renders facilities uninhabitable

#### Exercise of Judgment and Contingencies:

The actions described are basically standard by nature. When situations arise for which the procedures to be followed are not fully prescribed in the University's Emergency Operations Plan (EOP), responsible personnel will be expected to exercise good judgment, make appropriate decisions, and provide any support necessitated by the situation.

As part of the decision-making process relative to an evacuation, the evacuation must be able to be completed well before the arrival of a hazard. When there is little to no warning time, a shelter-in-place decision/order may be more appropriate. Additional factors to consider beyond warning time when deciding on whether or not to evacuate include:

- Size and geographical area affected
- Population density of the surrounding area
- Capacity and condition of the road network
- Are sufficient transportation resources available – university transportation, public transportation, and private transportation?
- Are there safe alternatives?
- Ability of campus facilities to provide shielding from the hazard
- Ability of facilities to support the population
- Local considerations and local police and emergency resources support

### Scope of an Evacuation:

The scope of an evacuation can include a single building, a group of buildings, and/or a large geographical area. The scope could go beyond the borders of the institution, and/or the university may be impacted by an evacuation initiated by the local authorities. Size and scope considerations must be included in the overall decision-making process.

### Building Evacuation:

- All building occupants are required to evacuate when the fire alarm sounds or upon the order of an authorized University official, such as a Public Safety officer.
- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation even worse.
- Move to the closest exit and proceed down the EXIT stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least three hundred (300) feet outside of the building and await further instructions. Keep roadways open, and beware of approaching emergency vehicles. Notify emergency responders of anyone trapped, especially anyone with a physical disability.

### Large-scale Campus Evacuation:

- If evacuation of part or all of the campus is necessary, monitor text message/voice alert system, email, and the University's website for additional information.
- Those in need of transportation will be directed to areas to await transport to an off-campus site.

## EMERGENCY PREPAREDNESS OVERVIEW

Emergency preparedness at Rivier University is managed by the University's Emergency Operations Plan (EOP), the Emergency Operations Planning Committee and Crisis Response Team. Emergency operations planning at Rivier University means preventing, preparing for, responding to, and recovering from any and all emergencies that could affect Rivier University and the local Nashua community. It means having a comprehensive plan extending from all levels of emergency personnel down through the individuals that make up our community to prevent situations that cause emergencies; it means preparing people on the procedures to follow, should a crisis occur; it means having a well collaborated response approach from University and local officials and State and Federal agencies to effectively mitigate any crisis; and it means being ready and able to recover quickly from emergency events in order to keep the operations and business continuity of Rivier University moving forward.

## CAMPUS EMERGENCY RESPONSE TEAM

All emergency incidents occurring on campus or impacting the university campus community will be managed using the Incident Command System (ICS) and the National Incident Management System (NIMS) as outlined by Federal and State agencies.

The primary responsibility for responding to emergencies on Rivier University's campus rests with the Department of Public Safety (DPS), local emergency services, and the President of the University. The Emergency Operations Plan is the established protocol for managing all aspects of an incident. DPS, along with other University departments and the emergency services organizations, plays an essential role as the first line of defense. In responding to an emergency or disaster, Rivier University will make full use of the facilities, equipment, supplies, personnel, and resources of the University. The University President, as chief executive, has the authority to direct and coordinate disaster operations and may delegate this authority to an emergency manager. Incident Command is established when an authorized individual (usually the Director of Public Safety, Fire Chief, Police Officer) is onsite and communicates their authority with all personnel involved.

If a situation arises on or around campus that could potentially threaten the health or safety of University community members, members of the Emergency Response Team and members of Public Safety are immediately summoned as part of Rivier University's crisis response procedure.

Public Safety Officers, the Director of Public Safety, and Administrators are trained in crisis response and have the authority to take immediate action in response to an imminent crisis, using the Emergency Operations Plan (EOP) and departmental procedures as a guideline.

These actions may include:

- Deployment of additional Public Safety officers
- Engagement of law enforcement officials
- Summoning of local, county, or state emergency management officials
- Enhanced patrol of the campus
- Closing of roads and entrances onto campus
- Securing of campus buildings and residence halls
- Evacuation of campus buildings and residence halls

There is one Incident Commander (IC) for an incident. When more than one jurisdiction or one agency is involved, a Unified Command structure will be established. Command will function from an Incident Command Post (ICP). Certain "triggering" conditions may dictate a broader institutional response. This broader response will be managed from an Emergency Operations Center (EOC) by the Emergency Response Team.

When an Emergency Operations Center (EOC) is established, the Emergency Response Team will assume a policy, direction, and coordination role over the institution's response and recovery. The EOC will act as an umbrella organization that brings together all the elements necessary to support the incident and maintain ongoing operations. Command will remain with the Incident Commander or Unified Command group.

Emergency Operations at Rivier University consists of two groups, the Emergency Response Team and the Emergency Operations Planning Committee. The Emergency Response Team members are the policy decision-makers and include the President and senior staff. The Emergency Operations Planning Committee members are the policy developers and implementers and include key department heads from organizations throughout the institution. The members of the Emergency Response Team and the Emergency Planning Committee are institutional emergency incident resources and potential responders. They generally are not persons to whom community members should report crimes.

The composition of the Emergency Response Team and the Emergency Operations Planning Committee is as follows:

Emergency Response Team

- President
- VP Academic Affairs
- VP Student Affairs
- VP Enrollment
- VP University Advancement
- VP Finance & Administration
- Chief Information Officer
- Director of Public Safety

Emergency Operations Planning Committee

- VP for Student Affairs
- Director of Public Safety
- Asst. VP for Student Affairs & Director Student Life
- Director Facilities Management
- Director Marketing & Communications
- Director Counseling Services
- Director Health Services
- Director Kinder Care
- Chief Information Officer
- Director of Human Resources
- Sodexo General Manager
- Facility Resources Manager

## TESTING, EXERCISE PREPAREDNESS DRILLS, AND TABLE-TOP EXERCISES

In accordance with the institution's Emergency Operations Plan (EOP), Rivier University will use its emergency procedures and plans for testing emergency notification, response, and evacuation. A test is defined as regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

The Emergency Operations groups will perform periodic table-top exercises (at least one per year) to practice the implementation of the campus' emergency operations plan and supplement emergency policies and procedures and to assess and evaluate emergency plan capabilities. Additionally, department level exercises are regularly initiated to train staff personnel on emergency operations. During Emergency Operations exercises, the campus evacuation plan is either reviewed or practiced as part of the training session. The Director of Public Safety, in coordination with the Vice President for Student Affairs will be responsible for scheduling and conducting these table-top exercises. As a minimum, one Emergency Operations Table-Top exercise per academic year will occur with the entire Emergency Operations group. Exercises can be either announced or unannounced.

After-Action Reports of Tests /Exercises: After-action reviews will be conducted following each test and/or exercise that documents the test/exercise, provides a description for each test/exercise, the date, time, and whether the test was announced or unannounced.

## ALCOHOL/DRUG POLICIES

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools and Communities Act (DFSCA) of 1989, and State policies on Alcohol and Other Drugs, Rivier University prohibits the unlawful or unauthorized possession, use, sale, manufacture, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace, on University property, or as part of any campus activity. Employee or student violators are subject to disciplinary action, up to and including termination of employment and expulsion.

The University's Department of Public Safety reports violations of law to the appropriate university department and works in collaboration with the local police, who are responsible for enforcing the laws of the State of New Hampshire, including laws relative to the possession, use, and sale of alcoholic beverages. This includes the enforcement of State underage drinking laws and Federal and State drug laws. Student violations of the policies and guidelines pertaining to alcohol and drugs specified in the Rivier University Student Handbook will result in sanctions appropriate to the degree of the violation. Sanctions will increase in severity for repeated violations. Student sanctions will include, but are not limited to, fines, education, referrals for counseling, probations, residence hall separation, or suspension or expulsion from the university.

New Hampshire state law states that a person who is under 21 years of age and who attempts to purchase, purchases, consumes, possesses, or who knowingly and intentionally transports any alcohol, liquor, or malt beverages commits a violation offense and shall be fined a minimum of \$300.00. Misrepresentation of age to a licensed dealer or other persons who sell or furnish intoxicating liquors constitutes a misdemeanor offense for a first violation and a minimum of a \$500.00 fine and a second or subsequent offense shall carry a minimum fine of \$1,000.00.

There are also serious legal repercussions for driving under the influence of alcohol. Drivers under the age of 21 with a BAC of .02 or higher will be charged with Driving Under the Influence. Drivers 21 and over with a BAC of .08 or higher will be charged with Driving Under the Influence. Locally, there is an open container ordinance.

The use of narcotics and controlled substances without a prescription on University premises, as elsewhere, is illegal. Illegal possession, use, and/or sale of drugs or narcotics by students, employees, or guests constitutes unacceptable and illegal conduct. The University's Department of Public Safety reports violations of law to the appropriate university department and works in collaboration with state and federal law enforcement and local police, who are responsible for enforcing the laws of the State of New Hampshire, including laws relative to the possession, use, and sale of narcotics and controlled substances. When students are receiving Federal Title IV financial aid (including Federal Pell Grants and Federal Direct Student Loans), it is their responsibility to inform the Student Financial Services Office within five days of any criminal illegal drug statute conviction. Students also agree to abide by the conditions of the drug-free workplace certifications.

The Code of Student Conduct also specifies the prohibitions and penalties for violations of these prohibitions and is published in the Student Handbook.

The Handbook can be found online at: [https://www.rivier.edu/uploadedFiles/Student\\_Life/Buttons/201819-Student-Handbook-Final-9-4-18.pdf](https://www.rivier.edu/uploadedFiles/Student_Life/Buttons/201819-Student-Handbook-Final-9-4-18.pdf).

### Drug Free Schools and Communities Act (DFSCA) Compliance:

Rivier University is committed to maintaining an environment of teaching and learning that is free of illicit drugs and alcohol. For many years, the University has had in place a policy to assist those with substance abuse, and a list of agencies available to support faculty, staff, and students is provided in various offices such as the Counseling and Wellness Center and the Office of Human Resources. The Drug-Free Schools and Communities Act Amendments of 1989 require that Rivier University, as a recipient of federal funds, including federally-provided student financial aid, notify its students and employees annually that the unlawful possession, use, or distribution of illicit drugs and alcohol on University property is prohibited. In compliance with the requirements

of the Drug Free Schools and Communities Act Amendments of 1989, all students and employees of Rivier University are notified of the following:

- The unlawful possession, use, and distribution of illicit drugs and alcohol on the University campus or during University sponsored activities are prohibited.
- Students and employees who are found to be in violation of this stated prohibition may be subject to arrest and conviction under the applicable criminal laws of local municipalities, the State of New Hampshire, or the United States. Conviction can result in sanctions including probation, fines and imprisonment.
- Students who are found to be in violation of this stated prohibition are subject to discipline in accordance with the procedures of the Student Conduct System. Discipline may include disciplinary probation or dismissal from the University.
- Faculty and staff employees who are found to be in violation of this stated prohibition are subject to discipline in accordance with the applicable University employment rules and procedures. Discipline may include probation, suspension, or termination of employment. In addition to the above requirements, and in accordance with the requirements of the Drug-Free Workplace Act of 1988, all employees are notified that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by University employees on University premises or off our premises while conducting University business is prohibited. Violation of this policy will result in disciplinary action, up to and including termination and may have further legal consequences.

The biennial report, developed in accordance with the Drug Free Schools and Communities Act (DFSCA) of 1989, can be obtained from the Office of the Vice President for Student Affairs, located in the Dion Center or by calling (603) 897-8247 or at The Counseling and Wellness Center or by calling (603) 897-8251. Students, staff, and faculty are informed each year about the DFSCA and how to obtain copies.

## ALCOHOL AND OTHER DRUGS (AOD) EDUCATION AND OUTREACH

- The University requires all incoming First Year students to complete MyStudentBody.com, an online educational tutorial
- The University provides substance-free housing. Students can elect to live in a building devoted to substance free, healthy living. First Year students can elect to live with a roommate who also subscribes to a substance-free lifestyle.
- Through non-alcoholic programming, student organizations and student government promote healthy norms
- The Residence Life staff conducts meetings with all First-Year students to openly discuss issues of alcohol use in order to promote a healthy self and environment
- Educational sanctions for violations of University policy can be completed with a Drug and Alcohol Counselor

## VIOLENCE AGAINST WOMEN (VAWA) REAUTHORIZATION, SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

Rivier University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, Rivier University issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on-or-off campus when it is reported to a University official.



## Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- Domestic Violence:
  - I. A Felony or misdemeanor crime of violence committed—
    - A. By a current or former spouse or intimate partner of the victim
    - B. By a person with whom the victim shares a child in common
    - C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner
    - D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
    - E. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- **Definition of a Crime of Violence:** According to Section 16 of Title 18 of the United States Code, the term “crime of violence” means:
  - II. An offense that has as an element of the use, attempted use, or threatened use of physical force against the person or property of another; or
  - III. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used while committing the offense.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - I. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - II. For the purposes of this definition—
    - A. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - B. Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and Federal Code of Regulation (CFR) §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent.”
  - **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
  
- **Stalking:**
  - I. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
    - A. Fear for the person’s safety or the safety of others; or
    - B. Suffer substantial emotional distress.
  
  - II. For the purposes of this definition—
    - A. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
    - B. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
    - C. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

**Sexual Assault:** The state of New Hampshire defines sexual assault as:

[632-A:2 Aggravated Felonious Sexual Assault.](#) –

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

- (a) When the actor overcomes the victim through the actual application of physical force, physical violence or superior physical strength.
- (b) When the victim is physically helpless to resist.
- (c) When the actor coerces the victim to submit by threatening to use physical violence or superior physical strength on the victim, and the victim believes that the actor has the present ability to execute these threats.
- (d) When the actor coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim believes that the actor has the ability to execute these threats in the future.
- (e) When the victim submits under circumstances involving false imprisonment, kidnapping or extortion.
- (f) When the actor, without the prior knowledge or consent of the victim, administers or has knowledge of another person administering to the victim any intoxicating substance which mentally incapacitates the victim.
- (g) When the actor provides therapy, medical treatment or examination of the victim and in the course of that therapeutic or treating relationship or within one year of termination of that therapeutic or treating relationship:
  - (1) Acts in a manner or for purposes which are not professionally recognized as ethical or acceptable; or
  - (2) Uses this position as such provider to coerce the victim to submit.
- (h) When the victim has a disability that renders him or her incapable of freely arriving at an independent choice as to whether or not to engage in sexual conduct, and the actor knows or has reason to know that the victim has such a disability.
- (i) When the actor through concealment or by the element of surprise is able to cause sexual penetration with the victim before the victim has an adequate chance to flee or resist.
- (j) When the victim is 13 years of age or older and under 16 years of age and:
  - (1) the actor is a member of the same household as the victim; or
  - (2) the actor is related by blood or affinity to the victim.
- (k) When the victim is 13 years of age or older and under 18 years of age and the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit.
  - (1) When the victim is 13 years of age or older and under 18 years of age and the actor is in a position of authority over the victim and is more than 4 years older than the victim.
  - (2) When the actor is an employee, contractor, or volunteer at a primary or secondary educational institution and the victim is a student and up to 10 months after the student's graduation or departure.
  - (3) Consent of the victim under any of the circumstances set forth in subparagraph (k) shall not be considered a defense.
- (l) When the victim is less than 13 years of age.
- (m) When at the time of the sexual assault, the victim indicates by speech or conduct that there is not freely given consent to performance of the sexual act.
- (n) When the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit under any of the following circumstances:
  - (1) When the actor has direct supervisory, disciplinary, or other authority authorized by law over, or direct responsibility for maintaining detention of, the victim by virtue of the victim being detained or incarcerated in a correctional institution, the secure psychiatric unit, a juvenile detention facility, or any other setting in which the victim is not free to leave ; or
  - (2) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation. Consent of the victim under any of the circumstances set forth in subparagraph (n) shall not be considered a defense.

II. A person is guilty of aggravated felonious sexual assault without penetration when he intentionally touches whether directly, through clothing, or otherwise, the genitalia of a person under the age of 13 under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification.

III. A person is guilty of aggravated felonious sexual assault when such person engages in a pattern of sexual

assault against another person, not the actor's legal spouse, who is less than 16 years of age. The mental state applicable to the underlying acts of sexual assault need not be shown with respect to the element of engaging in a pattern of sexual assault.

IV. A person is guilty of aggravated felonious sexual assault when such person engages in sexual penetration as defined in RSA 632-A:1, V with another person under 18 years of age whom such person knows to be his or her ancestor, descendant, brother or sister of the whole or half blood, uncle, aunt, nephew, or niece. The relationships referred to herein include blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption.

V. (a) Upon proof that the victim and defendant were intimate partners or family or household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be recorded as "aggravated felonious sexual assault-domestic violence."

(b) In addition to any other penalty authorized by law, the court shall levy a fine of \$50 for each conviction recorded as "aggravated felonious sexual assault-domestic violence" under this paragraph. The court shall not reduce or suspend any sentence or the payment of any fine imposed under this paragraph and no fine imposed under this paragraph shall be subject to an additional penalty assessment. If the court determines that the defendant is unable to pay the fine on the date imposed, the court may defer payment or order periodic payments thereof. The clerk shall forward all fines collected under this paragraph to the department of health and human services for the purposes of RSA 173-B:15. The provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under this paragraph.

### 632-A:3 Felonious Sexual Assault. –

A person is guilty of a class B felony if such person:

I. Subjects a person to sexual contact and causes serious personal injury to the victim under any of the circumstances named in RSA 632-A:2; or

II. Engages in sexual penetration with a person, other than his legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 4 years or more; or

III. Engages in sexual contact with a person other than his legal spouse who is under 13 years of age.

IV. (a) Engages in sexual contact with the person, or causes the person to engage in sexual contact on himself or herself in the presence of the actor, when the actor is in a position of authority over the person and uses that authority to coerce the victim to submit under any of the following circumstances:

(1) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed; or

(2) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.

(b) Consent of the victim under any of the circumstances set forth in this paragraph shall not be considered a defense.

(c) For the purpose of this paragraph, "sexual contact" means the intentional touching of the person's sexual or intimate parts, including genitalia, anus, breasts, and buttocks, where such contact, or the causing of such contact, can reasonably be construed as being for the purpose of sexual arousal or gratification of the person in the position of authority, or the humiliation of the person being touched.

V. (a) Upon proof that the victim and defendant were intimate partners or family or household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be recorded as "felonious sexual assault-domestic violence."

(b) In addition to any other penalty authorized by law, the court shall levy a fine of \$50 for each conviction recorded as "felonious sexual assault-domestic violence" under this paragraph. The court shall not reduce or suspend any sentence or the payment of any fine imposed under this paragraph and no fine imposed under this paragraph shall be subject to an additional penalty assessment. If the court determines that the defendant is unable to pay the fine on the date imposed, the court may defer payment or order periodic payments thereof. The clerk shall forward all fines collected under this

paragraph to the department of health and human services for the purposes of RSA 173-B:15. The provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under this paragraph.

**Source.** 1975, 302:1. 1981, 415:4. 1985, 228:4. 1997, 220:3. 2003, 226:3, 4. 2006, 162:1. 2008, 334:9. 2010, 223:1. 2014, 152:7, eff. Jan. 1, 2015. 2017, 90:9, eff. Jan. 1, 2018.

### 632-A:4 Sexual Assault. –

I. A person is guilty of a class A misdemeanor under any of the following circumstances:

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

(b) When the actor subjects another person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age to sexual contact where the age difference between the actor and the other person is 5 years or more.

(c) In the absence of any of the circumstances set forth in RSA 632-A:2, when the actor engages in sexual penetration with a person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 4 years or less.

II. A person found guilty under subparagraph I(c) of this section shall not be required to register as a sexual offender under RSA 651-B.

III. (a) A person is guilty of a misdemeanor if such person engages in sexual contact or sexual penetration with another person, or causes the person to engage in sexual contact on himself or herself in the presence of the actor, when the actor is in a position of authority over the person under any of the following circumstances:

(1) When the actor has direct supervisory or disciplinary authority over the victim by virtue of the victim being incarcerated in a correctional institution, the secure psychiatric unit, or juvenile detention facility where the actor is employed; or

(2) When the actor is a probation or parole officer or a juvenile probation and parole officer who has direct supervisory or disciplinary authority over the victim while the victim is on parole or probation or under juvenile probation.

(b) Consent of the victim under any of the circumstances set forth in this paragraph shall not be considered a defense.

(c) For the purpose of this paragraph, "sexual contact" means the intentional touching of the person's sexual or intimate parts, including genitalia, anus, breasts, and buttocks, where such contact, or the causing of such contact, can reasonably be construed as being for the purpose of sexual arousal or gratification of the person in the position of authority, or the humiliation of the person being touched.

IV. (a) Upon proof that the victim and defendant were intimate partners or family or household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be recorded as "sexual assault-domestic violence."

(b) In addition to any other penalty authorized by law, the court shall levy a fine of \$50 for each conviction recorded as "sexual assault-domestic violence" under this paragraph. The court shall not reduce or suspend any sentence or the payment of any fine imposed under this paragraph and no fine imposed under this paragraph shall be subject to an additional penalty assessment. If the court determines that the defendant is unable to pay the fine on the date imposed, the court may defer payment or order periodic payments thereof. The clerk shall forward all fines collected under this paragraph to the department of health and human services for the purposes of RSA 173-B:15. The provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under this paragraph.

**Source.** 1975, 302:1. 1985, 228:5. 2003, 226:5; 316:7. 2005, 290:1. 2008, 334:14. 2010, 223:2. 2014, 152:8, eff. Jan. 1, 2015. 2017, 90:10, eff. Jan. 1, 2018.

**Domestic Violence:** The state of New Hampshire defines Domestic Violence as:

**173-B:1 Definitions.** – In this chapter:

I. "Abuse" means the commission or attempted commission of one or more of the acts described in subparagraphs (a) through (h) by a family or household member or by a current or former sexual or intimate partner, where such conduct is determined to constitute a credible present threat to the petitioner's safety. The court may consider evidence of such acts, regardless of their proximity in time to the filing of the petition, which, in combination with

recent conduct, reflects an ongoing pattern of behavior which reasonably causes or has caused the petitioner to fear for his or her safety or well-being:

(a) Assault or reckless conduct as defined in RSA 631:1 through RSA 631:3.

(b) Criminal threatening as defined in RSA 631:4.

(c) Sexual assault as defined in RSA 632-A:2 through RSA 632-A:5.

(d) Interference with freedom as defined in RSA 633:1 through RSA 633:3-a.

(e) Destruction of property as defined in RSA 634:1 and RSA 634:2.

(f) Unauthorized entry as defined in RSA 635:1 and RSA 635:2.

(g) Harassment as defined in RSA 644:4.

(h) Cruelty to animals as defined in RSA 644:8.

II. "Applicant" means any private, town, city, or regional agency or organization applying for funds under RSA 173-B:16.

III. "Commissioner" means the commissioner of the department of health and human services.

IV. "Contact" means any action to communicate with another either directly or indirectly, including, but not limited to, using any form of electronic communication, leaving items, or causing another to communicate in such fashion.

V. "Coordinator" means the agency or organization appointed by the commissioner to administer the domestic violence grant program.

VI. "Cross orders for relief" means separate orders granted to parties in a domestic violence situation where each of the parties has filed a petition pursuant to this chapter on allegations arising from the same incident or incidents of domestic violence.

VII. "Deadly weapon" means "deadly weapon" as defined in RSA 625:11, V.

VIII. "Department" means the department of health and human services.

IX. "Domestic violence" means abuse as defined in RSA 173-B:1, I. X. "Family or household member" means:

(a) Spouses, ex-spouses, persons cohabiting with each other, and persons who cohabited with each other but who no longer share the same residence.

(b) Parents and other persons related by consanguinity or affinity, other than minor children who reside with the defendant.

XI. "Firearm" means any weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.

XII. "Foreign protective order" means an order enforceable under RSA 173-B:13.

XIII. "Fund" means the special fund for domestic violence programs established by RSA 173-B:15. XIV.

"Grantee" means any private, town, city, or regional agency or organization receiving funds under RSA 173-B:16.

XV. "Intimate partners" means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.

XVI. "Mutual order for relief" means an order restraining both parties from abusing the other originating from a petition filed by one of the parties and arising from the same incident or incidents of domestic violence.

XVII. "Program" means services or facilities provided to domestic violence victims.

**Source.** 1999, 240:3. 2010, 289:1, eff. Jan. 1, 2011. 2014, 238:1, 2, eff. July 21, 2014. 2018, 324:2, eff. Aug. 24, 2018.

**Dating Violence:** New Hampshire does not have a definition of dating violence.

**Stalking:** New Hampshire law defines stalking as:

#### [633:3-a Stalking.](#) –

I. A person commits the offense of stalking if such person:

(a) Purposely, knowingly, or recklessly engages in a course of conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal safety or the safety of a member of that person's immediate family, and the person is actually placed in such fear;

(b) Purposely or knowingly engages in a course of conduct targeted at a specific individual, which the actor knows will place that individual in fear for his or her personal safety or the safety of a member of that individual's immediate family; or

(c) After being served with, or otherwise provided notice of, a protective order pursuant to RSA 173-B, RSA 458:16, or paragraph III-a of this section, or an order pursuant to RSA 597:2 that prohibits contact with a specific individual, purposely, knowingly, or recklessly engages in a single act of conduct that both violates the provisions of the order and is listed in paragraph II(a).

II. As used in this section:

(a) "Course of conduct" means 2 or more acts over a period of time, however short, which evidences a continuity of purpose. A course of conduct shall not include constitutionally protected activity, nor shall it include conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct may include, but not be limited to, any of the following acts or a combination thereof:

- (1) Threatening the safety of the targeted person or an immediate family member.
- (2) Following, approaching, or confronting that person, or a member of that person's immediate family.
- (3) Appearing in close proximity to, or entering the person's residence, place of employment, school, or other place where the person can be found, or the residence, place of employment or school of a member of that person's immediate family.
- (4) Causing damage to the person's residence or property or that of a member of the person's immediate family.
- (5) Placing an object on the person's property, either directly or through a third person, or that of an immediate family member.
- (6) Causing injury to that person's pet, or to a pet belonging to a member of that person's immediate family.
- (7) Any act of communication, as defined in RSA 644:4, II.

(b) "Immediate family" means father, mother, stepparent, child, stepchild, sibling, spouse, or grandparent of the targeted person, any person residing in the household of the targeted person, or any person involved in an intimate relationship with the targeted person.

III. [Repealed.]

III-a. A person who has been the victim of stalking as defined in this section may seek relief by filing a civil petition in the district court in the district where the plaintiff or defendant resides. Upon a showing of stalking by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of stalking. The types of relief that may be granted, the procedures and burdens of proof to be applied in such proceedings, the methods of notice, service, and enforcement of such orders, and the penalties for violation thereof shall be the same as those set forth in RSA 173-B.

III-b. The minority of a plaintiff or defendant shall not preclude the court from issuing protective orders under this section.

III-c. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant, for one year after the expiration of the first order and thereafter each extension may be for up to 5 years, upon the request of the plaintiff and at the discretion of the court. The court shall review the order, and each renewal thereof and shall grant such relief as may be necessary to provide for the safety and well-being of the plaintiff. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall state in writing, at the respondent's request, its reason or reasons for granting the extension. The court shall retain jurisdiction to enforce and collect the financial support obligation which accrued prior to the expiration of the protective order. III-d. (a) A protective order issued pursuant to this section, RSA 173-B:4, or RSA 173-B:5 shall not be construed to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the defendant in an action brought under this chapter, or in any criminal proceeding concerning the abuse alleged under this chapter, from contacting the plaintiff for a legitimate purpose within the scope of the civil or criminal proceeding; provided, that the attorney or person acting on behalf of the attorney: identifies himself or herself as a representative of the defendant; acknowledges the existence of the protective order and informs the plaintiff that he or she has no obligation to speak; terminates contact with the plaintiff if the plaintiff expresses an unwillingness to talk; and ensures that any personal contact with the plaintiff occurs outside of the defendant's presence, unless the court has modified the protective order to permit such contact.

(b) A no-contact provision in a protective order issued pursuant to this section shall not be construed to:

- (1) Prevent contact between counsel for represented parties; or
- (2) Prevent a party from appearing at a scheduled court or administrative hearing; or

(3) Prevent a defendant or defendant's counsel from sending the plaintiff copies of any legal pleadings filed in court relating to the domestic violence petition or related civil or criminal matters.

(c) A violation of this paragraph may result in a finding of contempt of court.

IV. In any complaint, information, or indictment brought for the enforcement of any provision of this statute, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained herein and the burden of proof of any exception, excuse, proviso, or exemption shall be upon the defendant.

V. Any law enforcement officer may arrest, without a warrant, any person that the officer has probable cause to believe has violated the provisions of this section when the offense occurred within 12 hours, regardless of whether the crime occurred in the presence of the officer. A law enforcement officer shall arrest a person when he has probable cause to believe a violation of the provisions of this section has occurred within the last 12 hours when the offense involves a violation of a protective order issued pursuant to RSA 173-B, RSA 458:16, or paragraph III-a of this section.

VI. (a) Any person convicted of a violation of this section and who has one or more prior stalking convictions in this state or another state when the second or subsequent offense occurs within 7 years following the date of the first or prior offense shall be guilty of a class B felony.

(b) In all other cases, any person who is convicted of a violation of this section shall be guilty of a class A misdemeanor.

VII. If any provision or application of this section or the application thereof to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provisions or applications, and to this end the provisions of this section are severable.

VIII. (a) Upon proof that the victim and defendant were intimate partners or family or household members, as those terms are defined in RSA 631:2-b, III, a conviction under this section shall be recorded as "stalkingdomestic violence."

(b) In addition to any other penalty authorized by law, the court shall levy a fine of \$50 for each conviction recorded as "stalking-domestic violence" under this paragraph. The court shall not reduce or suspend any sentence or the payment of any fine imposed under this paragraph and no fine imposed under this paragraph shall be subject to an additional penalty assessment. If the court determines that the defendant is unable to pay the fine on the date imposed, the court may defer payment or order periodic payments thereof. The clerk shall forward all fines collected under this paragraph to the department of health and human services for the purposes of RSA 173-B:15. The provisions of RSA 618:8 and RSA 618:9 shall not apply to a fine imposed under this paragraph.

**Source.** 1993, 173:2. 1994, 101:1. 1997, 242:1-4. 2000, 151:1, 2. 2002, 62:1; 79:5. 2005, 284:2. 2006, 214:2. 2014, 152:10, eff. Jan. 1, 2015; 204:43, eff. Jan. 1, 2015. 2017, 90:12, eff. Jan. 1, 2018.

**Consent:** The state of New Hampshire defines ineffective consent as:

For purposes of the crime of aggravated felonious sexual assault, lack of consent can result from:

- (1) physical force;
- (2) physical helplessness to resist
- (3) coercion through physical force or threat of force;
- (4) coercion through threat of retaliation;
- (5) false imprisonment, kidnapping or extortion;
- (6) administration of any intoxicating substance which mentally incapacitates the victim;
- (7) coercion during the course of therapy, medical treatment, or examination
- (8) disability (except in situations between married spouses);
- (9) concealment or surprise;
- (10) filial affinity;
- (11) authority over victim; or
- (12) age.

N.H. Rev. Stat. Ann. § 632-A:2.



## Rivier University's Definition of Consent as it Relates to Sexual Activity

Consent consists of an active, conscious, and voluntary decision by each participant to engage in mutually agreed-upon sexual activity. Consent must exist from the beginning to the end of each sexual activity or each form of sexual contact. An individual who is physically incapacitated by alcohol or other drug consumption (voluntary or involuntary) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent.

The following are essential elements of consent:

### a. Informed and reciprocal

All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way. **b. Freely and actively given**

Consent cannot be gained by force, coercion, deception, threats; by ignoring or acting in spite of the objections of another; or by taking advantage of the incapacitation of another individual.

### c. Mutually understandable

Consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage freely in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. Relying solely upon non-verbal communication can lead to a misunderstanding or false conclusion as to whether consent was sought or given.

If at any time during the sexual activity, an individual is hesitant, confused, uncertain, or is no longer an enthusiastic participant, both parties should stop and clarify verbally the other's willingness to continue before continuing such activity.

### d. Not indefinite

Either party may withdraw consent at any time. Withdrawal of consent may be expressed by "no" or outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once consent is withdrawn, sexual activity must cease immediately.

All parties must obtain mutually understandable consent before continuing further sexual activity. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity.

### e. Not unlimited

Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time such activity occurs. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

In the State of New Hampshire, consent cannot be given by minors who are 14 or 15, if the actor is at least 5 years older than the minor. Consent cannot be given by minors under 14 years of age, regardless of the age of the Responding Party. For this reason, any sexual act with an individual under 14 is considered a felony.

## How to Be an Active Bystander:

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander.<sup>2</sup> Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, call DPS at (603) 888-1666 or the local police by dialing 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Be direct, delegate responsibility, or cause a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
3. Intervene when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

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<sup>1</sup>Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles, 60*, 779-792.

<sup>2</sup>Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

## Risk Reduction:

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money and/or an on-demand driver app loaded.
- Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking:

The University engages in intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Rivier University's educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that:

- A. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);

- B. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;
- C. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct;
- D. Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- E. Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- F. Provide an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act;
- G. Provide information regarding:
  1. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this Annual Report);
  2. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report);
  3. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report); and
  4. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report);
  5. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this Annual Report).

### Primary Prevention and Awareness Programs:

The University provides primary prevention and awareness programs to all incoming students and employees that involves the distribution of educational materials to new students, participating in and presenting information and materials during new student and employee orientations, providing programs by invitation at staff meetings or academic programs, and requiring incoming first-year students to take online courses related to sexual assault and high risk drinking awareness and education. These trainings include:

Clearly articulated statements that the University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking.

- The Federal and State definitions of domestic violence, dating violence, sexual assault and stalking.
- The University and State definitions of consent.
- A description of safe and positive options for bystander intervention.
- Information on specific risk reduction strategies.

## Ongoing Prevention and Awareness Campaigns:

The University provides an annual educational campaign for all students and employees designed to provide ongoing education and programming around issues of sexual violence – including sexual assault, domestic violence, dating violence, and stalking. Campaign strategies employed include face-to-face presentations, online training programs, printed materials, and related lectures. The university additionally provides educational/informational sessions on Clery Act-specific policies and crime reporting practices, along with information related to the Department of Education’s Office of Civil Rights Title IX Guidance.

Ongoing prevention and awareness campaigns include domestic violence month events and activities; sexual assault and awareness month, which includes presentations and “Clothesline” project, Denim Day, Teal Tuesdays and regular student conversations related to sexual assault and relationship violence as part of the “Let’s Talk About It” programming.

The following are some specific examples of annual programs currently offered by the university. This list is not all inclusive:

- Online Education
- Orientation Programming
- Step Up

## Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at the Southern New Hampshire Medical Center (SNHMC). Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

Hillsborough County, NH, which includes the city of Nashua and surrounding area, has established an anonymous reporting protocol for victims of sexual assault. The purpose of this protocol allows Hillsborough County, NH, to develop an alternative to standard reporting procedures for sexual assault victims. If a sexual assault victim does not currently wish to involve police, there is still an option to have the forensic evidence collected in a timely manner. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. By providing victims with the opportunity to gather information, solidify their support system, and establish rapport with first responders, the county hopes to create an environment that encourages reporting, even for those victims who initially feel unable, unwilling, or unsure about doing so. Victims may report a sexual assault anonymously at the Southern New Hampshire Medical Center and have forensics evidence collected during the exam. The Hillsborough County South County Attorney’s Office manages the anonymous reporting protocol.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or local police.

### Involvement of Law Enforcement and Campus Authorities:

Although the University strongly encourages all members of its community to report violations of this policy to Public Safety and the Nashua Police, it is the victim’s choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the Department of Public Safety will assist any victim with notifying law enforcement if the victim so desires. The Nashua Police Department may also be reached directly by calling (603) 594-3500 or 911 in emergency situations; or in person at the Nashua Police Department located at 28 Officer James Roche Drive in Nashua. Additional information about the Nashua Police Department may be found online at: <http://www.nashuapd.com>.

**NOTE:** In the State of New Hampshire, employees of institutions of higher learning who suspect incidents of child abuse (including incidents of suspected child sex abuse) must report such incidents to the Division for Children, Youth and Families (DCYF) at 1-800-894-5533 and the police having jurisdiction. New Hampshire recognizes matriculated students under the age of 18 as “children” for purposes of this law and, as such, the university is mandated to report a criminal complaint of abuse or sexual abuse involving any student victim under the age of 18 immediately to DCYF and the police having jurisdiction. Law Enforcement authorities may notify the victim’s parents or guardians as stipulated by law.

### Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking:

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Officer (office: Molloy Hall, phone: 603-897-8210) by calling, writing at [TitleIXCoordinator@rivier.edu](mailto:TitleIXCoordinator@rivier.edu) or coming into the office to report in person. Reports of all domestic violence, dating violence, sexual assault, and stalking made to Public Safety will automatically be referred to the Title IX Officer for review. The Title IX Officer is not a confidential reporting entity and is required to report criminal incidents to Public Safety.

### Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported:

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on- and/or off-campus; as well as additional remedies to prevent contact between a reporting party and a respondent party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Officer (office: Molloy Hall, phone: 603-897-8210) by calling, writing at [TitleIXCoordinator@rivier.edu](mailto:TitleIXCoordinator@rivier.edu) or coming into the office to report in person. The Title IX Officer will collaborate and coordinate with the Vice President for Student Affairs for student cases and the Director of Human Resources for employee cases.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the University, below are the procedures that the University will follow.

Incident Being Reported	Procedures Institution Will Follow
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Sexual Assault	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide victim with access to medical care</li> <li>2. Institution will assess immediate safety needs of victim</li> <li>3. Institution will assist victim with contacting local police if reporting party requests AND provide the victim with contact information for local police department</li> <li>4. Institution will provide victim with referrals to on- and off-campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options</li> <li>7. Institution will provide a “No trespass” (PNG) or “No Contact” directive to respondent party if deemed appropriate</li> <li>8. Institution will provide instructions on how to apply for Protective Order</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding timeframes for inquiry, investigation, and resolution</li> <li>10. Institution will inform the victim of the outcome of the investigation, whether or not the respondent will be administratively charged, and what the outcome of the hearing is</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or for assisting in the investigation</li> </ol>
Stalking	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim</li> <li>2. Institution will assist victim with contacting local police if reporting party requests AND provide the victim with contact information for local police department</li> <li>3. Institution will provide instructions on how to apply for Protective Order</li> <li>4. Institution will provide information to victim on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options</li> <li>7. Institution will provide a “No trespass” (PNG) or “No Contact” directive to respondent party if deemed appropriate</li> </ol>
Dating Violence	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim</li> <li>2. Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department</li> <li>3. Institution will provide instructions on how to apply for Protective Order</li> <li>4. Institution will provide information to victim on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with an explanation of the victim’s rights and options</li> <li>7. Institution will provide a “No trespass” (PNG) or “No Contact” directive to respondent party if deemed appropriate</li> </ol>
Incident Being Reported	Procedures Institution Will Follow

Domestic Violence	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim</li> <li>2. Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department</li> <li>3. Institution will provide instructions on how to apply for Protective Order</li> <li>4. Institution will provide information to victim on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) or "No Contact" directive to respondent party if deemed appropriate</li> </ol>
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### Facilitated Anonymous Reporting through the Counseling Center :

Certified Counselors assigned to the Counseling and Wellness Center are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the University encourages counselors to inform students that they can report incidents of crime to DPS, which can be done directly or anonymously. Students may request the Counseling and Wellness Center to facilitate anonymous reporting designed to capture general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the University's Annual Security and Fire Safety Report. The amount of detail provided may enable the University to initiate an investigation into the circumstances surrounding the report. Such an investigation may jeopardize the anonymity of the reporting person or reporting party.

### Employee Assistance Program:

Rivier University also provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to provide full-time employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible. The contact number of the EAP is listed in the Resources section of this annual report.

All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives his or her advance written consent. The EAP does not report incidents to any Official On-Campus Resources unless the employee specifically gives them permission to do so.

### Assistance for Victims - Rights & Options:

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services in the institution and in the community;



- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.

### Rights of Victims and the Institution's Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution:

Rivier University complies with New Hampshire State law in recognizing orders of protection.

Any person who obtains an order of protection from New Hampshire or any reciprocal state should provide a copy to the Department of Public Safety and the Office of the Title IX Officer. A reporting party may then meet with Public Safety to develop a Safety Action Plan, which is a plan for Public Safety and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom/work site location, or working with Academic Advising on alternative class possibilities, allowing a student to complete assignments from home, allowing an employee to develop a flexible work schedule, etc. The University cannot apply for a legal order of protection, No Contact order, or restraining order for a victim from the applicable jurisdiction(s).

In New Hampshire, a victim of domestic violence, dating violence, sexual assault, or stalking has the right to file a petition with the courts requesting an Order of Protection which could include the following:

- An order restraining the abuser from further acts of abuse;
- An order directing the abuser to leave the victim's household/place of residence;
- An order directing the abuser to refrain from stalking or harassing the victim or other designated persons;
- Other protections based on issues related to cohabitation, residency, employment, and child custody.

### Order of Protection:

An order of protection is a paper that is signed by a judge that tells or informs the abuser to stop the abuse or face serious legal consequences. It offers civil legal protection from sexual or relationship violence to both female and male victims. In New Hampshire, there are a few different types of orders of protection. These include:

- Emergency Order of Protection – Immediate protection when the courts are closed. A victim can contact the local police by dialing 911, and the police will connect the victim with the on-call circuit judge. The judge may grant an emergency order through this emergency process based on the facts of the case.
- Temporary Order of Protection – The judge will make a decision regarding a Temporary Order of Protection, based only on the information provided by the victim, without the abuser being in court.
- Final Order of Protection – A judge can grant a final order of protection after a hearing involving the victim, abuser, witnesses, testimony, and evidence.

Orders of Protection prohibit an offender from having any contact with the victim. Protections can include preventing the offender from entering the victim's home, workplace, or school. The order can also be expanded to prevent intimidation/contact from a third party on behalf of the offender, or extend to protection to related parties, such as parents, siblings, or children of the victim.

DPS will help put victims who are interested in pursuing an Order of Protection in contact with the local court. Any student who obtains a protective order from New Hampshire or any reciprocal state should provide a copy to DPS and the Office of the Vice President for Student Affairs. DPS will help facilitate the reporting of Orders of Protection violations to the local police.

While not the same as a state-mandated protection order, the University can issue a No Contact Order. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication, including, but not limited to: email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A No Contact order may include additional restrictions and terms.

If the University receives a report that an institutional No Contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the respondent (student, employee, etc.) and will impose sanctions if the respondent is found responsible for violating the No Contact order.

### Accommodations and Protective Measures Available for Victims:

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Rivier University will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc. Issuance of a full, partial, or modified persona non grata (PNG – barring notice) to the respondent may also be appropriate.

To request changes to academic, living, transportation, and/or working situations, or protective measures, a victim should:

- **Students:** Contact the Title IX Officer and/or the Vice President for Student Affairs for assistance.
- **Employees/Faculty:** Contact the Office of Human Resources.

If the victim wishes to receive assistance in requesting these accommodations, the victim should contact the Title IX Officer and/or the Department of Public Safety.

### Confidentiality:

Victims may request that directory information on file with the University be withheld by request. This request can be made to the Registrar's Office in person by visiting Adrienne Hall, 2<sup>nd</sup> floor or by calling (603) 897-8633. Employees can contact the Office of Human Resources to make a similar request regarding directory information at (603) 897-8210.

Regardless of whether a victim has opted-out of allowing the University to share "directory information," personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know; i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally-identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the

extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime and Fire Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Campus Safety Alert is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

**On- and Off-campus Services for Victims:**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Rivier University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur on campus, staff on-scene, including DPS, will offer the victim a wide variety of services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Rivier University.

These resources include the following:

	Employees	Students
<b>ON CAMPUS</b>		
Counseling/ Mental Health		Rivier University Counseling and Wellness Center Phone: 603-897-8251. *Confidential Resource (Can make recommendations for local confidential counseling and psychiatric services in the local area)
Health Services		Sister MaryAnne Quibin Student Health Clinic Phone: 603-897-8298 *Confidential Resource
Title IX Officer	Title IX: 603-897-8210 Human Resources: 603-897-8717	Title IX: 603-897-8210
Visa and Immigration Assistance/ International Student Support and Services		Director of Global Engagement Phone: 603-897-8781
Student Financial Aid		Student Financial Services Office Phone: 603-897-8533
Department of Public Safety	Non-Emergency Phone: 603-897-8888 Emergency Phone: 603- 888-1666	Non-Emergency Phone: 603-897-8888 Emergency Phone: 603-888-1666

Vice President for Student Affairs		Vice President for Student Affairs Phone: 603-897-8249
Office of Multicultural Affairs		Assistant Director of Student Engagement Phone: 603-897-8615
Facilitated Anonymous Reporting		A student can go to Counseling and Wellness or the campus Chaplain to submit an anonymous report. The amount of detail provided in an anonymous report will determine the University's ability to investigate or respond.
OFF CAMPUS		
Counseling/ Mental Health	Employee Assistance Program (EAP) Phone: 1-888-209-7840 or <a href="http://www.ResourceAdvisor.Anthem.com">www.ResourceAdvisor.Anthem.com</a> *Confidential Resource	
Health Services	Southern New Hampshire Medical Center Phone: 603-577-2500 St. Joseph's Hospital Phone: 603-882-3000	Southern New Hampshire Medical Center Phone: 603-577-2500 St. Joseph's Hospital Phone: 603-882-3000
Victim Advocacy	Bridges – Domestic & Sexual Violence Support Phone: 603-883-3044	Bridges – Domestic & Sexual Violence Support Phone: 603-883-3044
Legal Assistance	Employee Assistance Program (EAP) Phone: 1-888-209-7840 or <a href="http://www.ResourceAdvisor.Anthem.com">www.ResourceAdvisor.Anthem.com</a> New Hampshire Legal Assistance Phone: 1-800-562-3174	New Hampshire Legal Assistance Phone: 1-800-562-3174
Visa and Immigration Assistance	United States Citizenship and Immigration Services (USCIS) 9 Ridgewood Rd., Bedford, NH 03110 Phone: 1-800-375-5283	United States Citizenship and Immigration Services (USCIS) 9 Ridgewood Rd., Bedford, NH 03110 Phone: 1-800-375-5283
Nashua Police	28 Officer James Roche Dr., Nashua, NH 03061-0785 Phone: 911 or 603-594-3500	28 Officer James Roche Dr., Nashua, NH 03061-0785 Phone: 911 or 603-594-3500

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

- <http://www.rainn.org> – Rape, Abuse and Incest National Network
- <https://www.justice.gov/ovw/sexual-assault> - Department of Justice
- <http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights

## Responding to Sexual Misconduct Violations

Rivier University has established the Sexual Misconduct and Harassment Policy that articulates the University's community standards and includes definitions of prohibited conduct and key concepts. This policy also outlines the resources and reporting options available to the University community and methods of addressing cases involving sexual harassment, sexual violence, stalking, intimate partner violence, or other forms of sexual misconduct. This appendix details the specific procedures for resolving a report of sexual misconduct or harassment where a student is identified as the Responding Party.

### A. Preliminary Concerns

#### *a. Timing of Reports*

Individuals are encouraged to report sexual harassment, sexual violence, stalking, and intimate partner violence as soon as possible in order to maximize the University's ability to respond promptly and effectively. The University does not, however, limit the time frame for reporting. If the Responding Party is no longer a current student, the University may not be able to take disciplinary action against the Responding Party, but will still seek to meet its Title IX obligations by taking steps to end the harassment, prevent its recurrence, and address its effects.

A current student is defined as someone who has matriculated and has not formally severed recognized student status with the University. A student retains this status throughout the student's career at the University, including academic terms, scheduled vacations, summer months, and periods of leave or off-campus study.

#### *b. Jurisdiction*

An incident does not have to occur on campus to be reported to the University. All University community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the University community have a responsibility to adhere to University policies and local, state, and federal law. As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus conduct that is likely to have a substantial adverse effect on any member of the University community or Rivier University may be addressed under this policy.

#### *c. Effect on Criminal Proceedings*

The University encourages individuals to pursue criminal action for incidents of sexual harassment, sexual violence, stalking, and intimate partner violence that may also be crimes under New Hampshire criminal statutes. The University's policy, definitions, and standard of proof may differ from New Hampshire criminal law. The University will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation using the procedures outlined here except at the request of local law enforcement during the initial evidence gathering stages of a criminal investigation. Neither law enforcement's decision whether or not to prosecute a Responding Party nor the outcome of any criminal prosecution are determinative of whether sexual harassment, sexual violence, stalking, or intimate partner violence has occurred under this policy.

#### *d. Effect of Pending Complaint on Responding Party*

If a Responding Party elects to withdraw from the University after an investigation has commenced but prior to a final resolution, the transcript of the Responding Party will reflect a withdrawal and shall contain the notation "Voluntary withdrawal with disciplinary charges pending." A Responding Party electing to withdraw from the University under these conditions shall have no right to apply for readmission. In exceptional circumstances, the Vice President for Student Affairs may grant permission to apply for readmission to a withdrawing or withdrawn student. If such special permission is granted, readmission will not be automatic and may be subject to such terms and conditions as the Vice President for Student Affairs may deem to be appropriate.

#### *e. Amnesty for Alcohol and Other Drug Use*

At Rivier University, the health, safety, and well-being of each person in our community is at the forefront of our daily work; and requires the investment of faculty, staff, students, and campus visitors. In crisis situations, the University recognizes there may be reluctance to seek help or report incidents due to fear of consequences. Since these situations may be life-threatening, Rivier asks that all members of our community and guests care for themselves and others by requesting assistance from campus officials, even in cases that violate the University conduct code. As such, the University honors an Amnesty Policy:

#### ***Reporting: Alcohol/other drugs***

A bystander or reporting individual acting in good faith, who discloses any incident relating to alcohol and/or drug use that results in the need for medical attention, will not be subject to the code of conduct for violations of alcohol and/or drug use or visitation policies occurring at or near the time of the reported incident.

### ***Reporting: Sexual Misconduct***

A bystander or reporting individual acting in good faith, who discloses sexual harassment or misconduct, either as a Reporting Party or a third party, will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational or therapeutic remedies regarding alcohol or other drugs for those individuals.

Students whose pattern of behavior indicates repeated violation of university alcohol and/or drug policies will jeopardize their immunity in Amnesty cases.

### ***f. Advisors***

Under the current Title IX Regulations, both the Reporting Party and Responding Party must be assisted during the Title IX process by an advisor of their choosing. Both Parties may share information related to a complaint with individuals that may support or assist them in navigating the resolution process and presenting their case.

An advisor serves to guide the student through all phases of the process and may accompany the student to any meeting throughout the process. The advisor should assure that the student clearly understands all questions asked, and that the student clearly communicates their account of events. The advisor may also help the student identify appropriate witnesses or evidence. The advisor's role during an investigatory interview or subsequent meetings with the investigator(s) is as a silent observer. The advisor must ask questions, or speak for a Reporting Party, Responding Party, or third party during a live hearing before the Board. Similarly, the advisor may not interact with the investigator during the course of an investigation. The advisor may request a recess during an investigatory interview or meeting to consult with the student, but not while any question is pending before the student. Any advisor who becomes disruptive in any meeting may be removed from that meeting and/or prohibited from participation in the remainder of the process. The advisor may accompany a student to any meeting with an investigator, with the Title IX Coordinator or her/his designee, or with the Hearing Board. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. Scheduling of interviews and meetings will not be significantly delayed due to the lack of availability of the advisor.

Any advisor selected is advised to be familiar with University policies and procedures related to Title IX and gender-based violence. A Reporting Party, a Responding Party, or any witness for the case at hand may not serve as an advisor to any other party involved in the investigation.

Witnesses called to speak with an investigator as part of this process may – but are not required to – utilize an advisor of their choosing to all meetings related to the investigation and serves in a role similar to that described above.

### ***g. Agreements Not Recognized by the University***

Other than a judicial order, the University will not recognize agreements between the Reporting Party and Responding Party in which the University did not participate unless reviewed and approved by the Title IX Coordinator.

### ***h. Time Frames***

The University seeks to resolve all reports within 60 days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, the Reporting Party and the Responding Party can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution time frame needs to be

extended for good cause, the University will provide written notice to all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where the Responding Party is a second semester senior, the University may withhold that student's Rivier University degree pending conclusion of the sexual misconduct proceedings. The University reserves the right to restrict a student's participation in University programs while an investigation is pending.

#### *i. Communications*

All communications and notices required by these procedures may be made electronically, in hard copy, or in person.

#### *j. Standard of Proof*

The University will determine the Responding Party's responsibility by the preponderance of the evidence standard which is whether the information provided supports a finding that it is "more likely than not" that the Responding Party is responsible for the alleged violation.

#### *k. Records*

The investigative report, including all documents, information, and other evidence, and the documentation regarding any finding, sanction, and appeal will serve as the formal record of the proceedings and will be maintained by the Title IX Coordinator as part of the Responding Party's conduct record.

If a student has been found responsible for a violation of this policy, such records may be used in reviewing any further conduct issues consistent with this policy and the Code of Student Conduct.

### **B. Initiating a Report**

Any person who has experienced an incident of sexual misconduct or gender-based violence, as defined in the Sexual Misconduct and Harassment Policy, may file a report against a Rivier University student responsible for that conduct. Students filing reports may request that the University initiate its formal resolution option, its informal, remedies-based resolution option or request the University take no action.

At the time a report is made, a Reporting Party does not have to decide whether or not to request disciplinary action. Choosing to make a report and deciding how to proceed after making the report can be a process that occurs over time. To the extent possible, the University will respect an individual's autonomy in making these decisions and provide support that will assist each individual in making that determination.

Where a Reporting Party requests that their name or other identifiable information not be shared with the Responding Party or that no formal action be taken, the University will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all Rivier community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before disciplinary action is taken against a Responding Party. In making this determination, the University may consider:

- The seriousness of the alleged conduct;
- The respective ages and roles of the Reporting Party and Responding Party;
- Whether there have been other complaints or reports of harassment or misconduct against the Responding Party;
- The rights of the Responding Party to receive notice and relevant information before disciplinary action is sought;
- If circumstances suggest there is an increased risk of the Responding Party committing additional acts of sexual misconduct or other violence;
- Whether the Responding Party has a history of arrests or records from a prior school indicating a history of violence;

- Whether the alleged perpetrator threatened further sexual violence or other violence against the student or others;
- Whether under the circumstance there is a continuing threat to the community;
- Whether the sexual misconduct was committed by multiple perpetrators;
- If the circumstances suggest there is an increased risk of future acts of sexual misconduct under similar circumstances;
- Whether the sexual violence was perpetrated with a weapon; and
- Whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).
- The Title IX Coordinator retains the authority to make the final decision regarding which method of resolution shall be used. In making this decision, the Title IX Coordinator shall assess the above factors, consult with the Title IX team (Student Affairs staff, as appropriate), and consider the Reporting Party's preferred means of resolution.

The Title IX Coordinator in consultation with the Title IX Team will evaluate requests for confidentiality.

### C. Information for the Reporting Party and Intake Meeting

After receipt of the report, the Title IX Coordinator or a member of the Title IX Team will conduct an intake meeting with the Reporting Party. At this meeting, the person conducting the intake will inquire into the nature of the report and allegations of misconduct. The Reporting Party will be informed of all safety and remedial measures and resolution options available under this policy and must select an advisor. The Reporting Party will be informed of the prohibition against retaliation and instructed not to destroy any potentially relevant documentation or evidence in any format. The Reporting Party will also be offered support resources on and off campus as described in Section VII of this policy. The Reporting Party will be given a copy of the Sexual Misconduct and Harassment Policy as well as a brochure containing pertinent information regarding the policy, resolution procedures, and resources.

### D. Title IX Review

In every report of sexual harassment or misconduct, the University will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

As part of the initial assessment of the facts, the University will:

- Assess the nature and circumstances of the allegation;
- Assess the need to address immediate physical safety and emotional well-being;
- Notify the Reporting Party of the right to contact law enforcement and seek medical treatment;
- Notify the Reporting Party of the importance of preservation of evidence;
- Enter the report into the University's daily crime log;
- Assess the reported conduct for the need for a timely warning under the Clery Act;
- Provide the Reporting Party with information about on- and off-campus services and resources;
- Notify the Reporting Party of the range of interim accommodations and remedies;
- Provide the Reporting Party with an explanation of the procedural options, including remedies-based resolution and formal resolution;
- Assess for pattern evidence or other similar conduct by Responding Party;



- Discuss the Reporting Party's expressed preference for manner of resolution and any barriers to proceeding; and
- Explain the University's policy prohibiting retaliation.

## E. Safety and Remedial Measures

Upon receipt of a report, the Title IX Coordinator, in consultation with the Title IX Team, will review the allegations and determine the necessity and scope of any interim measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment. Potential remedies, which may be applied to the Reporting Party and/or the Responding Party, include:

- Providing access to counseling services and assistance in setting up an initial appointment, both on and off campus;
- Imposing a No Contact Order between parties;
- Rescheduling of exams and assignments (in conjunction with appropriate faculty);
- Providing alternative course completion options (with the agreement of the appropriate faculty);
- Changing a class schedule, including the ability to take deferral, drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
- Changing a work schedule or job assignment;
- Changing an on-campus housing assignment;
- Providing assistance from University support staff in completing housing relocation;
- Limiting an individual's or organization's access to certain University facilities or activities pending resolution of the matter;
- Providing a voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Providing assistance with transportation needs;
- Imposing interim suspension or leave; and
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

## F. Withdrawal of Complaint

Prior to the completion of the resolution options described in this policy, the Reporting Party may withdraw the sexual misconduct complaint. Withdrawal of the complaint will, in most circumstances, end any investigation or process taking place under this policy. The University reserves the right to move forward with a complaint, even after the Reporting Party withdraws it, in order to protect the interests and safety of the University community.

## G. Summary of Resolution Options

### ***a. Informal, Remedies-Based Resolution***

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking formal disciplinary action against a Responding Party.

Where the Title IX Review concludes that informal resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Reporting Party's access to the educational activities at the University and to eliminate a hostile environment. Examples of protective remedies are detailed in the Interim Measures section above. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Responding Party and/or indirect action by the Title IX Coordinator or the University. Depending on the form of informal resolution used, it may be possible to maintain the Reporting Party's anonymity.

The University will not compel a Reporting Party to engage in mediation or a restorative justice process, to directly confront the Responding Party, or to participate in any particular form of informal resolution. Mediation or restorative practices, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Reporting Party can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

### ***b. Formal Resolution***

Disciplinary action against a Responding Party may only be taken through the Formal Resolution process. The Formal Resolution process contains four phases: Investigation, Hearing, Sanction, and Appeal. This process is outlined in detail below.

## **H. Responding to Report**

### ***a. Information for Responding Party and Notice of Investigation***

After receipt of the report, an intake meeting with the Reporting Party and the Title IX Coordinator is scheduled. Should the Title IX Coordinator determine to pursue formal resolution, then the Title IX Coordinator or a member of the Title IX Team shall issue a Notice of Investigation. The Notice of Investigation will outline the nature of the complaint and allegation of misconduct and the procedures for the method of resolution being initiated. The Responding Party must select an advisor. The Responding Party will be informed of the prohibition against retaliation and instructed not to destroy any potentially relevant documentation or evidence in any format. The Responding Party will be given a copy of the Sexual Misconduct and Harassment Policy. The Responding Party will also be offered support resources on and off campus as described in Section VII of this policy. The Title IX Coordinator, or their designee, also may conduct an intake meeting with the Responding Party if deemed appropriate. If the Responding Party fails to meet and cooperate with the Title IX Coordinator the investigator, or any other person during this process, the resolution of the complaint will proceed without input from the Responding Party.

### ***b. Acceptance of Responsibility***

At any point in the process, the Responding Party may choose to accept responsibility for all or part of the alleged misconduct. If the Responding Party accepts responsibility for the alleged misconduct, the process may, but will not necessarily, proceed to the investigation phase. The Title IX Coordinator may proceed directly to the sanction phase to determine an appropriate sanction for the Responding Party. If the Responding Party disputes any aspect of the allegations, the matter will proceed to an investigation.

## **I. Formal Resolution Procedures**

### ***a. Investigation Phase***

#### ***i. Investigator***

The Title IX Coordinator, in consultation with the Title IX Team, will designate an investigator of their choosing, who has specific training and experience investigating allegations of sexual harassment and sexual misconduct, to conduct a thorough, impartial, and fair investigation. The University will designate a trained investigator who may be an employee of the University or an external investigator engaged to assist the University in its fact gathering and determination of a finding. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Reporting Party, the Responding Party and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the investigation will safeguard the privacy of the individuals involved.

## *ii. Investigation Process*

The investigator will coordinate the gathering of information from the Reporting Party, Responding Party, and other individuals or entities with relevant information regarding the report using any of the following processes. The investigator will share with the Reporting Party and Responding Party for comment or rebuttal information and documentation considered material to the findings related to the report. The Reporting Party and Responding Party will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information. The investigation phase will typically be completed within twenty (20) business days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation. The investigator will provide periodic updates to the Title IX Coordinator, particularly regarding any emerging needs that would require additional protective or supportive measures for the Reporting Party or Responding Party or regarding any adjustments to estimated timelines. Information gathered during the investigation will be used to evaluate the appropriate course of action, provide for the safety of the individuals and the campus community, and impose remedies as necessary to address the effects of the conduct cited in the report, in addition to being used in a hearing to determine a finding.

### **1. Document/Records Review**

In addition to reviewing any documents submitted by the Reporting Party and Responding Party, the investigator will try to obtain such other physical or medical evidence relevant to the investigation as the investigator determines, in his or her judgment, to be necessary, including but not limited to documents, police records, electronic or other record of communications between the parties or witnesses, video or audio recordings, records or other relevant information. In obtaining such evidence, the investigator will comply with applicable laws and University policies.

### **2. Site Visits**

The investigator may visit relevant sites or locations and record observations through written or photographic documentation.

### **3. Reporting Party and Responding Party Interviews**

The investigator will interview the Reporting Party and the Responding Party separately and may interview one or both more than once as necessary. The Reporting Party and Responding Party may be accompanied by their advisors.

### **4. Witness Interviews**

The investigator will make a good faith effort to contact and interview any witnesses identified by the parties or in the documentation, including those no longer at the University. The investigator may also interview any other individual he or she finds to be potentially relevant to the allegations of the report. The investigator will inform each witness or other individual interviewed that they are prohibited from retaliating against the Reporting Party and Responding Party or other witnesses.

### **5. Experts**

The investigator may contact any expert the investigator determines is necessary to ascertain the facts related to the report. An expert witness may be contacted for an informal consultation or for a professional opinion regarding information learned from the investigation.

## **6. Prior Sexual History, Bad Acts, or Pattern Evidence**

In general, in a case where the Responding Party raises consent as a defense, any prior consensual relationship between the parties may be deemed relevant to assess the manner and nature of communications between the parties but is not necessarily determinative. As noted in the Sexual Misconduct and Harassment Policy, a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Generally, prior sexual history of the Reporting Party or Responding Party will not be considered relevant to an investigation. However, in limited circumstances, such as pattern evidence, it may be relevant in the determination of responsibility or, in the case of Responding Party, the determination of a sanction. Additionally, a prior finding (post appeal rights) of responsibility for a similar act of sexual misconduct will always be deemed relevant and may be considered in making a determination as to responsibility and/or assigning of a sanction.

If either party wishes to bring forth information concerning the other party's sexual history, bad acts, or pattern evidence, such requests must be made during the course of the investigation to the investigator, who is responsible for determining its relevance.

### *iii. Investigative Report*

At the conclusion of the investigation, the investigator will prepare a written report summarizing and analyzing the relevant facts determined through the investigation, referencing any supporting documentation or statements. In preparing the report, the investigator will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation. In general, the investigator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The investigator may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts. Further, the investigator may redact any statements regarding general reputation or any character trait. The investigative report may include summaries of interviews with the Reporting Party, Responding Party, third-party witnesses, experts, and any other individuals with relevant information, photographs of relevant sites or physical evidence, electronic records and forensic evidence. The investigator may provide a summary of impressions including context for the evidence.

Before the report is finalized, the Reporting Party and Responding Party will be given the opportunity to review their own statement(s) and other relevant information collected during the investigation, including the summaries of statements of the other party and any witnesses.

A Reporting Party or Responding Party may submit any additional written comment or evidence to the investigator within ten (10) business days of notice of the opportunity to review the relevant portions of the investigative file.

Upon receipt of any additional information or evidence by the Reporting Party or Responding Party, or after the ten (10) day comment period has lapsed without comment, the investigator will finalize the report and submit it to the Title IX Coordinator.

### *iv. Notice of Hearing*

If the Investigator's finding warrants that a hearing must occur, the Title IX Coordinator will provide written notice to both parties and their advisors, (the "Notice of Hearing") stating: (1) the date, time, and place of the hearing. The Notice of Hearing will be delivered, at the Title IX Coordinator's discretion, by email or in person, and will be considered effective immediately upon delivery. The hearing will take place no later than 8 business days, if reasonable, following delivery of the Notice of Hearing. All parties are expected to cooperate in the scheduling of the hearing. If either party fails to appear at the scheduled hearing, the Hearing Board may postpone the proceedings or proceed with the hearing and determine the complaint on the basis of the evidence available, provided the absent party was duly notified of the scheduled hearing date, as outlined above.

### *v. Pre-Hearing Procedures*

All parties will provide the Title IX Coordinator (or designee) with a list of witnesses they wish the University to call, and copies of documents and a description of any other information they propose to present at the hearing, on

or before a date set by the Title IX Coordinator, but at least two business days prior to the hearing. It is assumed that the Investigator's Report includes and matches any witness list provided by all parties.

The Title IX Coordinator will provide each party with a copy of the list of witnesses, and identification or copies of documents or other information submitted by each party, at minimum, 24 hours prior to the hearing. In the absence of good cause, as determined by the Title IX Coordinator, in his or her sole discretion, the parties may not introduce witnesses, documents, or other information at the hearing that were not provided in the Investigation and/or Title IX Coordinator by this deadline. If, at any time prior to the hearing, after reviewing the Investigator's report and the complainant's list of witnesses and other evidence, the responding party elects to acknowledge his or her actions and take responsibility for the alleged sexual misconduct, he or she may request that the University propose a resolution to the charges and a sanction and, with the consent of the complainant, resolve the complaint without a hearing. If the responding party chooses this option and takes responsibility for the alleged sexual misconduct, he or she waives the option for a hearing and must accept any consequences and sanctions determined by the University.

## **b. Hearing Board**

### *i. Composition of the Hearing Board*

The Hearing Board shall be composed of a pool of Rivier faculty/staff members appointed by the VP for Student Affairs through a selection process determined by the Title IX Coordinator in consultation with the Title IX Team. For any given case, three members of the pool will be selected to comprise the Board. These three members shall be voting members of the Board. The Hearing Board will be chaired by a designated chair; the chair shall not vote. All members of the Hearing Board shall be trained annually regarding the dynamics of sexual misconduct, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation, the application of the preponderance of the evidence standard, relevant sanctioning precedent (which shall inform but not bind the Board), and the University's policies and procedures. The training shall also stress the importance of confidentiality and privacy of all parties.

### *ii. Hearing Procedures*

The Hearing Board's process is in two parts: determination of responsibility and, if necessary, assessment of sanction.

The Hearing Board will determine the order of the witnesses and resolve any questions of procedure arising during the hearing. The University will have notified all necessary witnesses to be present, to be available, or to have provided written statements in lieu of attending the hearing. This may be done as necessary to accommodate a witness who cannot be present, or whom the University determines may remain anonymous.

The Hearing Board shall have access to the investigative report and all related documents to review prior to making a decision finding and an appropriate sanction, if necessary. All documents provided to the Board shall have all personally identifiable information for all students involved redacted. After reviewing the report and finding, if the Board feels that more information is required, they may ask the investigator for further clarification.

The Hearing Board will review in advance of the live hearing all written materials provided. The parties will have received or been provided the opportunity to review and copy these materials during the pre-hearing process. The parties will be expected not to repeat undisputed details or non-material circumstances that would merely duplicate the written materials. Only the Hearing Board and each party's advisor can question the individual parties and any witnesses. Only the party's advisor may ask the Hearing Board to pose additional questions or inquire further into specific matters either by submitting these requests directly, in writing or orally and in real time by the party's advisor of choice and never by the party personally. If necessary, a brief break may be granted to allow both parties an opportunity to prepare and submit such requests. The Hearing Board is empowered to disallow or reframe any questions that are irrelevant or redundant. If the Hearing Board determines that unresolved issues exist that would be clarified by the presentation of additional information, the Hearing Board may suspend the live-hearing and reconvene it in a timely manner to receive such information. A delay will not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents or other information that should have been presented during the Investigation process and/or pre-hearing meeting. In both formal and informal disciplinary matters, the University expects students to be cooperative, responsive, and honest. Withholding information, deception, and/or badgering of others to do the same will be regarded as a major infraction of University policy.

*iii. Review of Other Relevant Information and Opportunity to Respond*

The Hearing Board shall be given access to other relevant information in the Reporting and/or Responding Party's student file, including prior student conduct history. This information shall have personally identifiable student information redacted and be prepared for review by the Hearing Board. The Reporting and/or Responding Party shall have access to this information prior to the live hearing and shall have an opportunity to respond directly, orally and in real time by the party's advisor and never by the party personally. Only information related to the information presented from the Reporting and/or Responding Party's student file shall be permitted in this statement.

The Reporting Party and Responding Party shall have the opportunity to present a statement to the Board describing the impact of the case on them. This statement must be presented to the Board in writing. The Board will not ask any questions regarding the individual's statement. To the extent either party requires support in preparing such a statement, the University will provide assistance.

*iv. Standard of Proof*

The Department of Education's Office of Civil Rights has interpreted Title IX to require schools to state whether the standard of evidence to determine responsibility is the preponderance or the evidence standard or the clear and convincing evidence standard. to evaluate evidence of alleged Sexual Misconduct. Rivier University will continue to follow the adopted "preponderance of the evidence" standard. A preponderance of the evidence means that information shows it is "more likely than not" that a violation of policy occurred. In the context of a hearing hereunder, the responding party will be found to be responsible for the alleged Sexual Misconduct if the Hearing Board concludes that such Sexual Misconduct more likely than not occurred based upon careful review of all information presented. Intoxication is not, as such, a defense. The accused student may, however, introduce information of intoxication whenever it is relevant to the live hearing, but it is not a defense for the Sexual Misconduct.

*v. Range of Sanctions*

The Hearing Board may impose any sanction or combination of sanctions defined in the Code of Student Conduct, including probation, suspension, and expulsion. See Appendix C for a complete list of potential sanctions.

Any student found responsible for a sexual assault violation will likely face a recommended sanction of suspension or expulsion.

Any student found responsible for a non-consensual sexual contact violation (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Any student found responsible for any other violation under the Sexual Misconduct and Harassment Policy will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

The Board reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. The Board will not deviate from the range of recommended sanctions unless compelling justification exists to do so.

*vi. Deliberations of Hearing Board*

After a thorough review of the investigative report, findings, other related documents and relevant information, and any responses or statements from the Reporting Party and Responding Party, the Hearing Board shall deliberate regarding the appropriate sanction(s). The sanction shall be determined by a majority vote of the voting members of the Board. Should there be a tie, the chair shall cast the deciding vote.

The Hearing Board will present the sanction decision and the rationale for it to the Title IX Coordinator.

*vii. Notice of Outcome*

The final written Notice of Outcome shall be simultaneously provided in writing to both the Reporting Party and the Responding Party by the Title IX Coordinator or a member of the Title IX Team. The University will also provide written notice, at the same time to both parties, of any change in the outcome upon appeal.

Both parties have the right to be informed of the outcome. The Notice of Outcome will include the findings as to whether there was a policy violation, the rationale for the result, and a brief summary of the evidence on which the decision is based, as appropriate. In addition, the Responding Party will be fully informed of any sanctions. For reports involving sexual violence, the Reporting Party will be fully informed of any sanctions and remedies that directly relate to Reporting Party, including information about the Responding Party's presence on campus (or in a shared class or residence hall), that may help a Reporting Party make informed decisions or work with the University to eliminate harassment and prevent its recurrence. For all other reports under this policy, the Reporting Party will be informed of only those sanctions that directly relate to the Reporting Party, consistent with FERPA and other applicable law. The notice shall include information regarding the right to appeal the outcome for both the Reporting Party and the Responding Party.

Sanctions imposed are implemented immediately upon presentation of the Notice of Outcome, subject to reversal or modification upon appeal.

#### *viii. Participation of Both Parties During Live Hearing*

The Reporting Party and the Responding party must participate in the live hearing. If either party or witness does not submit to cross-examination at the live hearing, Hearing Board members must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Hearing Board cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. If the responding party fails to appear at the hearing, after being duly notified of its place and time, the Hearing Board may postpone the proceedings or determine the complaint on the basis of the information available.

### **c. Appeal of Hearing Board Findings**

#### *i. Eligibility, Timeline, and Filing Procedures*

Either the Reporting Party or Responding Party may file an appeal of the Hearing Board findings within three (3) business days of receipt of the Hearing Board report using the procedures outlined below. Appeals must be filed with the Vice President for Student Affairs (hereafter "Vice President"), who serves as the appeals officer. If the Vice President has served in a Title IX officer capacity with the case in question, an appeal officer designee will be appointed. If no appeal of the Hearing Board's findings is filed within a timely fashion, the findings of the Hearing Board shall be considered final and binding on all of the parties and may not be appealed after the sanctioning phase of the procedure.

Dissatisfaction with the findings is not grounds for appeal. Appeals may be based only on one or more of the following grounds:

- a procedural error (failure to follow prescribed policy and/or procedures) that may have had a prejudicial effect upon the outcome of the proceedings;
- new evidence that was discovered after the investigation was completed and could not have been discovered previously that may have an effect upon the outcome of the proceedings;
- evidence of conflict of interest, bias, fraud or misconduct on the part of the Title IX Team.

The appeal shall consist of a concise and complete written statement outlining the facts that support the available grounds for the appeal.

If the appeal is properly filed, the other party will be given the opportunity to review the written appeal and respond to it in writing to the Vice President. Any response by the other party must be submitted to the Vice President within three (3) calendar days from being provided the appeal. If both parties file an appeal, the appeal documents from each party will be considered together in one appeal review process.

The receipt of the appeal and any response to the appeal will be acknowledged in writing (which can include email).

If for any reason the Vice President is unable to serve as the appeals officer, they may designate another trained appeals officer to serve in their stead.

#### *ii. Appeal of Hearing Board Findings Procedures*

The appeal of the Hearing Board findings will be conducted in an impartial manner by the Vice President. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination is presumed to have been decided reasonably and appropriately. The appeal is not a de novo review of the underlying matter. The decision shall affirm the original findings of the investigator unless the Vice President sustains one of the grounds for appeal, in which case the Vice President will refer the case to the original or new investigator for reconsideration as appropriate.

Appeals are not intended to be full rehearing of the complaint (de novo). This is not an opportunity for the Vice President to substitute their judgment for that of the original investigator merely because they disagree with the findings. Appeals decisions are to be deferential to the original investigator except where one of the stated grounds above has been established.

#### *iii. Appeal Decision and Notification*

The Vice President will generally make all appeal decisions within three (3) business days of receipt of both the appeal and all responses to it, if any.

The appeal decision will include a rationale and shall be presented simultaneously in writing to both the Reporting Party and Responding Party by the Title IX Coordinator or a member of the Title IX Team.

The decision of the Vice President upon an appeal of the findings of the investigator shall be final.

## SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a state concerning registered sex offenders. The law also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

In the State of New Hampshire, information regarding registered sex offenders who are subject to community notification may be obtained from a community member's respective local municipal police agency and/or the New Hampshire State Police. In the city of Nashua, information regarding registered sex offenders who are subject to community notification may be obtained at the Nashua Police Department, located at 28 Officer James Roche Drive (phone: 603-594-3500; or at the New Hampshire Department of Safety – Division of State Police – Troop B, located at 16 East Point Dr., Bedford, NH, (phone: 603-666-3334). This information can also be obtained by visiting the New Hampshire State Police's website at: <https://business.nh.gov/nsor/>

## RESIDENCE HALL ROOM OPTIONS/ROOM ASSIGNMENTS

### THE RESIDENCE HALLS

There are four residence halls on Rivier's 68-acre campus. Guild Hall, built in 1960, Trinity Hall, opened in 1965, Presentation Hall, opened to the University's Sisters in 1977, then opened to students for the first time in 1999 and



the Brassard Hall, opened in the fall of 2001. Traditional-aged first year students are assigned to Guild Hall. After the first year, residents are free to live in the hall of their choice based on space availability. Presentation Hall is home of the Wellness Housing Program and offers a substance-free living environment for interested students.

## ELIGIBILITY FOR ON-CAMPUS HOUSING

A student living in the residence halls must be enrolled in and maintain a minimum of 12 credits per semester within the School of Undergraduate Studies or 9 credits in the School of Graduate Studies. Exceptions to this policy for resident students will be considered by the Assistant Vice President for Student Affairs on a space available basis. Returning resident seniors in their last semester may carry fewer than 12 credits and still remain in the halls while completing degree requirements.

## HOUSING DEPOSIT

A deposit of \$250.00 is required to reserve a room; it is credited to the students room and board account at the Student Financial Services Office. Only returning students who have paid the deposit are eligible to participate in the room lottery and housing selection process in the spring. Room deposits for returning students are refundable until May 1st.

## ROOM LOTTERY AND HOUSING SELECTION

During the spring of each year each resident selects a room and roommate(s) for the following academic year. Priority for selection is based on each resident's class status, as determined by the Registrar's records.

Only students who have paid the \$250.00 deposit and have proof of payment from the Student Financial Services Office are eligible to participate in the lottery/selection process. Specific lottery/selection procedures can be found in the Office of Student Life and Housing Services and are made available to all students during the spring semester each year.

## ROOMS IN THE HALLS

There are triple, double, single and designated single rooms available to students. Room rates are determined by the Student Financial Services Office and posted in the halls prior to room selection. All rooms are available to all students registered for the lottery/selection process during the spring semester, unless certain rooms have been reserved for staff, medical problems or as deemed necessary by the University.

## GUESTS/VISITORS

Residents may receive (up to two) guests in their living quarters. They may also receive these guests in the main lounges from 9 a.m. until 2:00 a.m. seven days a week; after 2:00am it is expected that residents will register their guests for an overnight stay. Residents may also entertain their guests in the Dion Center when it is open.

At all times, residents will be responsible for the conduct of their guests. Failure to do so may result in judicial proceedings and/or the loss of guest visitation privileges. Residents are expected to respect the rights and freedoms of each person living in the residence halls at all times, including when they have visitors.

Same sex visitors are allowed in the resident's living areas at any time, providing they abide by the following:

- They have registered at the main desk and have left an ID.
- They are escorted to and from the lobby.
- They abide by OVERNIGHT VISITORS guidelines if they are to remain overnight.
- They always enter and exit the residence halls by the main doors unless they are registered at the front desk and are accompanied by their host.

- They abide by all residence hall guidelines.
- At all times, each resident is responsible for the actions of the guest that she/he signs in whether or not the guest is a Rivier student.

Any unregistered guest will be considered as a trespasser. Campus Security officers may have such individuals arrested at their discretion, depending upon the nature of the situation. Any unregistered individual who is escorted off-campus or asked to leave the campus for failure to register as a guest may not return to the campus without authorization of the Assistant VP/Director of Student Life or the Office of Public Safety/Security.

## OVERNIGHT VISITORS

Residents are permitted to have (up to two) overnight visitors of the same sex in their rooms. All overnight visitors must register, with their hosts, at the front desk of the building in which they will stay. Guests must always have a guest pass and be escorted throughout the building. It is advisable to limit the number of guests and the frequency and length of stay for guests on a regular basis. If frequent visits begin to pose a problem, the appropriate resident director will review visitation privileges. It is the responsibility of the resident hosting an overnight guest to be sure roommates are not inconvenienced in this arrangement. Also, residents are responsible for ensuring that their visitors comply with University and residence hall regulations. Overnight visitors may stay up to three (3) consecutive nights and may stay up to a total of eight (8) nights during any given month. Guests **MUST** be registered with, sleep in the room of and shower on the floor of a same sex host.

## TRAINING OF RESIDENCE HALL STAFF

The Department of Public Safety Director and Public Safety staff and others provide annual security and life safety training. This training minimally includes: introduction of officers, description of services offered, instruction on fire safety hazards and building evacuation, instruction on the emergency operations plan and emergency notification system, training related to the Clery Act and Campus Security Authorities (CSA), Title IX Awareness training, and general information on requesting emergency assistance from Public Safety.

## WEAPONS POLICY

Rivier University DPS officers are unarmed and do not carry firearms. Outside law enforcement personnel who are authorized to possess weapons may do so within the scope of their authority. No other persons are permitted to possess weapons on University property, even if such weapons are legally registered.

## COMMUNITY COMPLAINTS/FEEDBACK

The Department encourages community members to bring forward legitimate grievances regarding misconduct by employees. Any member of the Department will receive complaints courteously, and they will be handled efficiently. All complaints will be taken seriously and thoroughly investigated by the Director of Public Safety or designee. Students are an integral part of the Department's operations and strategic planning process. Regular feedback regarding the Department's performance is received from a variety of student groups and organizations.

## MISSING STUDENTS

The University has adopted a missing student notification policy for students residing in on-campus residential facilities. In addition to registering a general emergency contact, all students residing in on-campus student housing facilities have the option to annually register confidential contact information for a person to be notified by the University in the event the student is officially reported as missing. The University will ensure that all students are

able to update their contact information whenever needed. These procedures and registration process are communicated to students when registering each academic year. The contact information will be confidential, accessible only by authorized campus officials and law enforcement, and may not be disclosed outside a missing person investigation. If a student has identified such an individual, DPS or Residence Life officials will notify that individual no later than 24 hours after the student is determined to be missing.

If a member of the University community has reason to believe that a student who resides in on-campus student housing is missing, they must immediately notify DPS at: (603) 897-8888. DPS will generate a Missing Person report and initiate an investigation.

After investigating the Missing Person report, should DPS determine that the student is missing and has been missing for more than 24 hours (regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor), DPS or a representative from Residence Life will notify the Nashua Police Department and the student's emergency contact no later than 24 hours after the student is determined to be missing, unless the local law enforcement agency was the entity that made the determination that the student was missing.

If the missing person is under the age of 18 and is not an emancipated individual, DPS or a representative from Residence Life must and will notify the student's custodial parent or legal guardian, the missing person contact, and the Nashua Police Department immediately after DPS has determined that the student has been missing for more than 24 hours, in addition to notifying any additional contact person designated by the student.

If a student has been determined missing for more than 24 hours, in addition to the above notifications, specific procedures to follow include: contacting the student's RAs, checking with emergency health care providers, and taking such other investigative actions as are appropriate under the circumstances. The University will implement these procedures in less than 24 hours if circumstances warrant a faster implementation.

## EMERGENCY MEDICAL RESPONSE PROCEDURES

Students, faculty, staff, and guests should report any emergency medical situations to DPS immediately at: (603) 888-1666, or to the New Hampshire State Emergency Center by dialing 911.

DPS uniformed officers are trained as emergency medical responders to provide medical assessment and basic emergency care. DPS can summon an ambulance through the Nashua Fire Rescue Dispatch Center at (603) 594-3636.

## CRIME PREVENTION RESOURCES AND SERVICES, EDUCATIONAL OPPORTUNITIES, WHERE TO GO FOR CRIME PREVENTION RESOURCES, WHERE TO GO FOR ASSISTANCE

**Investigations:** All reports of incidents received by Public Safety and Security are reviewed by the Director. If a report requires follow-up action, the Director or an assigned officer will seek either direct resolution or prepare the case for review as appropriate. To help provide as safe an environment as possible in our community, and when appropriate, the public safety officers work cooperatively with the officers and detectives of the Nashua Police Department.

**Safety Escort Service:** Escorts by motor vehicle are available for community members who wish to use the service. Safety escorts are available 24 hours a day. Public Safety officers perform these safety escorts.

**Web Page Information:** The department uses its website as a portal for posting information on Safety and Security services, Safety Awareness and Crime Prevention Tips, campus crime statistics, the Silent Witness Form, parking regulations and other safety-related topics. Department's Web Page:  
<http://www.rivier.edu/student-life/public-safety/campus-security/>

**Lighting and Grounds Surveys:** Walking tours of the campus to review exterior lighting are conducted each year by a safety committee from the Student Government Association and the Department of Public Safety. Recommendations for improvements are submitted to the appropriate offices for action. The University also routinely surveys shrubbery and trees to ensure clear, unobstructed visibility for students, employees and guests who walk from building to building.

**Engraving:** The engraving of serial numbers or owner-recognized numbers on items of value is strongly recommended and made available free-of charge by the Department of Public Safety. These identifying numbers assist with recovery of stolen articles. To borrow an engraver, free of charge, stop by the Department of Public Safety.

**Video Security System:** Rivier University uses a video security system that has over 60 closed-circuit television (CCTV) cameras throughout the campus.

**Vacant Home Checks:** The Rivier University Department of Public Safety provides vacant home checks for faculty and staff living in university-owned private homes. The department officers will check a home that has been identified as being unoccupied by the residents due to vacation or other circumstances.

**Residence Hall Safety Programs:** Residence Life staff runs safety programs for the resident students on a scheduled basis and when additional information needs to be provided.

# FIRE and LIFE SAFETY

## 2020 – 2021 Academic Year

Includes Fire Statistics for Calendar Years (CYs) 2017, 2018 & 2019



Presented by:

Rivier University  
Department of Public Safety and Security  
420 Main Street – Dion Center  
Nashua, New Hampshire 03060-50860  
(603) 888-1666

## Annual Fire Safety Report

DPS publishes this Fire Safety Report as part of its annual Clery Act Compliance document, via this annual report, which contains information with respect to the fire safety practices and standards for Rivier University. This report includes statistics concerning the number of fires within on-campus residential facilities, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. The compliance document is available for review 24 hours a day on the DPS website, and a physical copy may be obtained by making a request to DPS by calling (603) 897-8888, or by visiting the DPS Office in person at 16 Clement St.

### General Residence Hall Fire Safety:

All of Rivier University's on-campus residential, student housing facilities are completely covered by integrated automatic sprinkler and hard-wired addressable fire alarm systems, which are monitored twentyfour hours a day, seven days a week by Nashua Fire Rescue's communications center.

In addition, on-campus residential facilities have the following life safety systems: portable fire extinguishers, emergency lighting, emergency exit signs and doors, fire tower stairways, and emergency phones. A quality control program ensures that each building is inspected by trained building inspectors on a yearly basis to ensure that these systems are in working condition and includes a yearly fire alarm systems test and inspection. In addition, the sprinkler systems are tested and inspected yearly.

Each resident has access to a copy of the Residence Life Handbook, that is located in the Student Life section of the Rivier University website. The handbook includes information on fire safety and what appropriate action to take during a fire alarm or fire emergency. Fire drills are conducted twice each semester by the Department of Public Safety.

If a fire occurs in a Rivier University-owned building, community members should immediately notify the local fire department by pulling the handle of a red pull station nearby while you are evacuating the building or by dialing 911. DPS can be contacted at (603) 888-1666. DPS will initiate a response to all fire alarms or reports it receives. Upon confirmation of a fire, DPS will immediately summon the local fire department for assistance by contacting the Nashua Fire Rescue Communications Center at (603) 594-3636.

Fires should be immediately reported to the Department of Public Safety (DPS). If a member of the Rivier University community finds evidence of a fire that has been extinguished, and the person is not sure whether DPS has already responded, the community member should immediately notify DPS to investigate and document the incident. For example, if a housekeeper finds evidence of a fire in a trashcan in the hallway of a residence hall, they should not touch the trashcan, and should report the incident to DPS immediately and wait for an officer's response. The officer will document the incident prior to removing the trashcan. Fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Do not use the elevator. Community members should familiarize themselves with the exits in each building.

DPS can work with other University offices to levy fines and penalties upon individuals who fail to evacuate a building promptly – but a more important reason for evacuating is for safety! When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building.

## Procedures for Students and Employees in the Event of a Fire:

Find nearest pull station and sound central alarm, or call 911, or contact DPS directly at: (603) 888-1666.

Shut all doors and windows in the vicinity of the fire

- If the fire is small, use fire extinguishers to put it out
- Exit by nearest safe stairway
- Do not use the elevators
- Do not run
- If there is smoke in the room, keep low to the floor
- Try to exit the room, feel the doorknob o If it is hot, do not open the door o If the doorknob is not hot, brace yourself against the door and crack it open o If there is heat or heavy smoke, close the door and stay in your room
- Don't panic
- Seal up the cracks under the door with sheets, or towels
- If there is smoke in the room, crack the windows at the bottom and at the top, if possible, to allow for ventilation
- Hang a sheet or towel from the window to announce that you are in your room
- Call DPS at: (603)888-1666; be sure to give your room number and your location
- If you can exit the room, put on shoes (and if necessary a coat). If smoke is evident, get a wet towel to cover your face □ Close all doors
- If in exiting the building you are blocked by fire, go to the safest fire-free area, or stairwell. If a phone is available call DPS; or find a window, and signal that you are still in the building.

## Student Residence Hall Fire Evacuation Procedures in Case of a Fire:

- The fire alarm system may be used to evacuate a building(s) if there is a potential threat to the health and safety of that segment of the community.
- Activate the building fire alarm if it is not already sounding. Pull a fire alarm station on the way out.
- Leave the building by using the nearest exit.
- Crawl if there is smoke. Cleaner, cooler air will be near the floor. Get Low and Go.
- Before opening any doors, feel the metal knob. If it is hot, do not open the door. If it is cool, brace yourself against the door, open it slightly, and if heat or heavy smoke are present, close the door and stay out of the room.  
Go to the nearest exit or stairway. If the nearest exit is blocked by fire, heat, or smoke, go to another exit. Always use an exit stairway, not an elevator. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Stairway fire doors will keep out fire and smoke, if they are closed, and will protect you until you get outside. Close as many doors as possible as you leave. This helps to confine the fire.
- Total and immediate evacuation is safest. Only use a fire extinguisher if the fire is very small and you know how to do it safely. Do not delay calling emergency responders or activating the building fire alarm. If you cannot put out the fire, leave immediately. Make sure the fire department is called— even if you think the fire is out.
- If you get trapped, keep the doors closed. Place cloth material (wet, if possible) around and under door to prevent smoke from entering.
- Be prepared to signal your presence from a window.
- Signal for help. Hang an object at the window (jacket, shirt) to attract the fire department's attention. If there is a phone in the room, call 911 or 7911 from an on-campus phone, or (603)888-1666 from a cellular phone, and report that you are trapped. Be sure to give your room number and location. If all exits from a floor are blocked, go back to your room, close the door, seal cracks, open the windows if safe, wave something out the window, and shout or phone for help.
- If you are on fire, stop, drop and roll, wherever you are. Rolling smothers fire.

- Cool burns. Use cool tap water on burns immediately. Don't use ointments. If skin is blistered or charred, call for an ambulance.  
Be aware of obstacles. Storage of any items in the corridors, such as bicycles, chairs, desks, and other items is prohibited in all exit ways, including stairwells. Blocked exits and obstacles impede evacuation, especially during dark and smoky conditions.
- If you are a person with a disability (even temporarily), you should do the following:
  - o Learn about fire safety
  - o Plan ahead for fire emergencies
    - o Be aware of your own capabilities and limitations

### Plans for Future Improvements in Fire Safety:

We strive to constantly improve and expand on our in-service training sessions for all Residential Life student staff, DPS staff, and other housing staff. This training includes basic fire safety topics and hands-on fire extinguisher training courses.

The University continues to assess and upgrade fire safety equipment as an ongoing process, to ensure that all equipment meets National Fire Safety standards. Future improvements will be made as needed as part of the ongoing assessment, budget, and strategic planning process.

### Life Safety Inspections and Violations:

The Residence Life Staff performs residence hall Health and Safety inspections on a monthly basis and prior to the start of each fall semester. Some residence hall inspections are announced. Some are not announced. The Life Safety inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Residential Life Handbook guidelines, which include life and fire safety rules and regulations for residential buildings.

The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems. In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room, tampering with life safety equipment, possession of pets, etc.). This inspection will also include a general assessment of food and waste storage and cleanliness of the room.

### Prohibited Items and Prohibited Conduct:

If a student's behavior does not meet University community expectations or is in violation of the policies outlined in the Residence Life Handbook or the Student Handbook, they may expect conduct action. Rivier University expects students, as adults, to maintain a standard of personal discipline that is in harmony with the educational goals of the institution, federal, state, and local laws, and to respect the rights, privileges, and property of fellow students, faculty, staff, and administrators. Students are responsible for the items contained in their rooms and the events that occur in their rooms.

### Prohibited Items:

The following items are prohibited in residence halls:

- Guns; firearms; knives or weapons of any type, including BB and pellet guns



- Candles and/or incense (lit or unlit)
- Tapestries, banners, and flags: These items cannot be hung on walls, ceilings, over windows or from fire safety equipment
  - Room-heating devices, including all space heaters, kerosene or oil lamps, and alcohol burners
- Gasoline-powered items, such as motorcycles, mopeds, or parts thereof
- Pressurized tanks (e.g., helium tanks)
- Flammable and/or combustible liquids and/or chemicals, including gasoline and charcoal
- Grills of any type
- Fireworks, smoke bombs, sparklers, etc.
- Drug paraphernalia and illegal drugs
- Animals or pets of any kind, except certified service animals or non-carnivorous fish
- Light dimmers, ceiling fans, or any other device that replaces, adds to, or interferes with any room apparatus
- Excessive furniture that blocks or restricts egress from sleeping areas
- Waterbeds
- Dartboards and darts
- Nails, hooks, double-faced adhesive tape, or other items that will damage walls
- Live trees
- Personal lofts
- any type of solicitation, sales, or door-to-door canvassing
- Street signs that were once public property
- Possession/Consumption of an alcoholic beverage by a person under 21 years of age
- Common sources of alcohol such as kegs, beer balls (full or empty, tapped or untapped) or spiked punch in large containers
- Large quantity of alcohol being defined as more than one twelve-pack of beer, or 1 fifth of alcohol, or 1.5 liters of wine per legal-aged resident
- Equipment to distilling alcohol, brewing beer or making wine

The following electrical appliances and corded items are prohibited in residence halls (Note: all cords and permitted appliances must be UL Listed):

- Portable and electrical appliances (including toasters, toaster ovens, hot plates, etc.)
- Halogen lamps
- Overloaded electrical receptacles
- Faulty or old extension cords
- Air conditioners (except for a certified disability)
- Microwaves ( only permitted in kitchenette areas)

NOTE: The preceding list is not all inclusive; any item that is a threat to public safety may be removed. In addition to confiscation, violators may pay a monetary fine and may be subject to Conduct action.

## Prohibited Conduct:

The following activities and actions are prohibited in residence halls and may result in conduct action:

- Smoking inside any residential space, this includes vaping and the use of electronic cigarettes
- Open flames
- Draping or placing objects, including fabric, over lighting fixtures, smoke detectors, or fire sprinkler systems

- Hanging cardboard, plastic, or fabric (e.g., tapestries, banners, and flags) on walls, ceilings, light fixtures, or fire sprinkler apparatus.
- Wrapping or placing wires or stringed lights in the area of beds
- Lending keys to others, copying keys, possession of keys that are not authorized for your use
- ball playing, bike riding, or similar activities that may cause harm to persons or property
- Storage of bicycles in stairwells or halls
  - Storage of personal items such as sports bags/equipment, furniture, or suitcases in stairwells or halls
- Throwing any items into or out of windows
- Altering, tampering, or dismantling any door closure or propping open any exterior door
- Cooking food in individual rooms (other than in microfridges)
- Solicitation of goods or services
- Painting, wallpapering, or similarly decorating individual rooms or common areas
- Repairing any damages or the removal or replacement of light bulbs in ceiling fixtures
- Removal, destruction, disassembling, or altering of any furniture in a room
- Removing screens from windows
- Installing wall partitions or paneling
- Modifying or tampering with circuit breakers or any part of the electrical system
- Installing and subscribing to a cable or satellite TV provider  Installing personal locks or chains on doors or windows  Exiting the halls through any door that is alarmed.
- Physical, verbal, or emotional abuse of any person.
- Any interference with a staff member's responsibility.
- Violation of the University's Visitation Policy/Open Hours.
- Failure to be responsible for guests signed under your name.
- Failure to properly sign guests in and out; failure to properly register overnight guests.
- Violations of Courtesy or Quiet Hours.
- Illegal possession of street signs and/or the displaying of them in residence hall rooms.
- Playing sports in the residence halls.
- The presence of any animal, except certified service animals, reptile or other pets except fish in tanks in the residence halls.
- Failure to comply with the Residence Hall Agreement.
- Any unauthorized room change.

## DAILY CRIME AND FIRE LOG

The Department of Public Safety makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection during normal business hours (typically Monday through Friday, from 8am to 5pm, except holidays) at the DPS Office located at 16 Clement St. Any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request. All confirmed fires occurring within or on any and all on-campus residential facilities will also be included in the Daily Crime and Fire Log. The information in the crime and fire log typically includes the incident number, crime classification or nature of the fire, date reported, date occurred, general location of crime or fire, and disposition of each reported crime or fire. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires that may impact the University's campus community.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the university's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime and Fire Log within two business days of when it is reported to the Department of Public Safety. It is important to note that DPS has no jurisdiction outside of its identified Clery geography.

## EMERGENCY BUILDING EVACUATION DRILLS

Fire/emergency building evacuation drills are conducted each semester in residence halls. Fire/emergency building evacuation drills are conducted annually in academic and administrative facilities. Emergency Building Evacuation Drills are conducted to familiarize occupants with emergency egress from a building and to establish conduct of the drill to a matter of routine. Drills will include suitable procedures, such as potential room-to-room checks, to ensure that all persons subject to the drill participate. Any person who fails to participate in a drill will be subject to disciplinary action by the appropriate authority. In the conduct of drills, emphasis shall be placed on orderly evacuation rather than speed.

Drills shall be held at expected and unexpected times, and under varying conditions to simulate the unusual conditions that can occur in an actual emergency. Participants shall relocate to a safe location outside the building and remain at such location until a recall signal is given or further instruction.

## Fire Investigations/Arson

Every fire that is not known to be accidental (such as a cooking fire) is investigated by a member of the City of

Nashua Fire Marshal's Office. The primary investigator in response to fire incidents at Rivier University is the Director of Public Safety. Fires determined through investigation to be willfully or maliciously set are classified as arsons for Clery reporting purposes.

## FIRE SAFETY SYSTEMS IN RIVIER UNIVERSITY ON-CAMPUS RESIDENTIAL FACILITIES (2019)

Current Fire Safety Systems in place within On-Campus Residential Facilities as of Calendar Year 2019

Facility	Clery Classification	Fire Alarm Monitoring Done by NFR	Fully Sprinklered	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (fire) Drills Each Calendar Year
Brassard Hall 29B Clement St.	On-Campus	Yes	Yes	Yes	Yes	Yes	4
Guild Hall 430 S. Main St.	On-Campus	Yes	Yes	Yes	Yes	Yes	4
Presentation Hall 30 Clement St.	On-Campus	Yes	Yes	Yes	Yes	Yes	4
Trinity Hall 424 S. Main St. St.	On-Campus	Yes	Yes	Yes	Yes	Yes	4

## ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-campus Residential Facilities) - 2017, 2018 & 2019

ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus)  
CALENDAR YEAR 2019

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Brassard Hall 29B Clement St.	0	0	N/A	0	0	N/A
Guild Hall 430 S. Main St.	0	0	N/A	0	0	N/A
Presentation Hall 30 Clement St	1	1	Cooking	0	0	\$0.00
Trinity Hall 424 S. Main St.	0	0	N/A	0	0	N/A

ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus)

CALENDAR YEAR 2018

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Brassard Hall 29 B Clement St.	0	0	N/A	0	0	N/A
..						
Guild Hall 430 S. Main St.	0	0	N/A	0	0	N/A
Presentation Hall 30 Clement St	0	0	N/A	0	0	N/A
Trinity Hall 424 S. Main St.	0	0	N/A	0	0	N/A

ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus)  
CALENDAR YEAR 2017

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Brassard Hall 29 B Clement St	0	0	N/A	0	0	N/A
Guild Hall 430 S. Main St	0	0	N/A	0	0	N/A
Presentation Hall 30 Clement St	0	0	N/A	0	0	N/A
Trinity Hall 424 S. Main St.	0	0	N/A	0	0	N/A

This information is provided as a part of Rivier University's continuing commitment to safety and security on campus in compliance with the Jeanne Clery Act. Concerns, questions, or complaints related to this document or the applicable statutes should be directed to the Director of Public Safety either by mail at Rivier University, 420 S. Main Street, Nashua, NH 03060; email at: [rcasey@rivier.edu](mailto:rcasey@rivier.edu); or by telephone at (603) 897-8477.