

RSA 188-H Sexual Misconduct Climate Survey Task Force

February 2022

Update from the Task Force:

Greetings from the members of the Sexual Misconduct Climate Survey Task Force. By way of relevant background, during the 2019-2020 legislative session, RSA 188-H, relative to sexual misconduct at institutions of higher education, was passed. This law set forth the requirement for institutions of higher education to adopt various policies as they pertain to sexual misconduct and to conduct a biannual sexual misconduct climate survey.

The following newsletter provides reminders about the baseline sexual misconduct survey customization and implementation dates, sexual misconduct survey data reporting requirements, and suggestions on sharing the newsletter.

Sexual Misconduct Survey Implementation and Dissemination

As 2022 gets underway, members of the Sexual Misconduct Climate Survey Task Force would like to take this opportunity to share another update with New Hampshire institutions of higher education. January not only brings the start of the new year, but also the beginning of the sexual misconduct survey roll out. As previously stated, the **timeframe in which institutions are to complete the survey is January 15th through the end of March and all data collection needs to be completed by Thursday, March 31, 2022.**

The base survey, as outlined in RSA 188-H:5, was distributed in October, 2021. In the months since, campus stakeholders may have discussed considerations for customization. The Task Force would like to remind those working on the survey that in addition to having the option to append the survey with institution-specific questions, **campuses are encouraged to customize the response categories in ways that will make the survey more applicable for their students.** For example: non-residential campuses may remove references to residence halls, campuses without Greek life or athletics may remove related options as needed, and the names of any campus offices, departments, or resources may be changed as appropriate.

In addition, we wanted to let IHEs know that we have made several revisions to the baseline survey. We have just recently noticed a mistake in the order of two questions (q8a and q8b) in Module #8. The sequencing of q8a (Responses to Survivors) and 8b (Reporting Experience) should be inverted, as q8a should only be asked if the student has reported (which is determined in 8b) the incident to campus personnel/officials who are required to respond (this may vary from campus to campus). Otherwise, the institution would not be responding to the survivor. Thus, 8b (Reporting Experience) should be asked first and students should be prompted to answer 8a (Responses to Survivors) if they indicated that they reported (in Reporting Experiences #2 Who Did You Tell) to a campus person who has a responsibility to report the incident.

Additionally, we have also noted that in section B of the follow-ups questions in the Stalking Victimization (module 5), Dating Violence (module 6) and Sexual Violence Victimization (module 7 , the response categories for the question should be the following:

The other person was (select all that apply if more than one other person): should be:

- Man
- Woman
- Transgender
- Gender nonconforming
- A gender not list not here (write-in)
- Prefer not to say

Right now, the response categories are:

- Man
- Woman
- Other

Please make these changes to your survey. Contact Task Force co-chairs Jane Stapleton (jane.stapleton@unh.edu) and Sharyn Potter (Sharyn.potter@unh.edu) with any questions about these changes to the survey.

Sexual Misconduct Survey Data Reporting Requirements

RSA 188-H:5 requires that NH IHEs submit their sexual misconduct survey and summaries of the sexual misconduct survey results within 120 days of survey completion to Stephen Appleby, Director of the New Hampshire Department of Education, Division of Educator Support and Higher Education (Stephen.appleby@doe.nh.gov). The director of the division will make these summary data reports available to the public on the division's website. IHEs are also required to publish the summary reports on their websites. The Task Force will

provide IHEs with a template for these summary reports and will communicate the availability of the template through an upcoming newsletter.

In addition, IHEs are required to submit the anonymized raw data supporting the sexual misconduct survey to the director. The Task Force has received several inquiries about how the DOE will store and share this raw data. Listed below are details regarding data storage and sharing:

- **Where will it be stored?** The data will be stored on a State of New Hampshire server within the State IT network.
- **How long will it be kept before being destroyed?** As there is no provision in RSA/Rule stating otherwise, the data will be retained for up to 7 years.
- **What specific personnel will have access to the data at NH DOE?** Access to the data will be limited to the Director, The Administrator for Higher Education and DOE legal counsel (on an as needed basis only).
- **For what purposes is the data being kept by NH DOE?** The data is being retained to ensure the integrity of publicly posted results.
- **Would the raw data ever be made available to the public or to researchers?** Under no circumstances would the NH DOE release the data to the public or researchers. While the DOE cannot speak for legal orders that may seek release (they would defer that to an attorney), the DOE will view this data in the same manner that they view other confidential data within the division (school transcripts, educator licensure information, criminal history record checks, etc.) and strictly limit its availability.

Please share this newsletter

The Task Force would also like to ask campus representatives to help circulate these newsletters widely among campus stakeholders. Certain members of the Task Force have been designated to share these newsletters with their constituencies, but there are many additional campus professionals involved in the successful implementation of RSA 188-H. Depending on the focus of each newsletter, appropriate departments or colleagues might include, but not be limited to: presidents and provosts, Title IX coordinators, departments or offices that focus on sexual misconduct, student conduct or equity, personnel within institutional research departments, legal counsel, campus law enforcement or campus safety personnel, confidential resource advisors under RSA 188-H:7, and staff at campus counseling or wellness centers. Campuses may also want to share newsletters with their local crisis center as part of efforts to enhance collaboration.

Institutions of Higher Education are encouraged to review RSA 188-H in its entirety and the law can be accessed here:

<http://www.gencourt.state.nh.us/rsa/html/XV/188-H/188-H-mrg.ht>

Questions, Comments, Concerns?

Please contact the Task Force at: RSA188TaskForce@doe.nh.gov