

RSA 188-H Sexual Misconduct Climate Survey Task Force

August 2023

Update from the Task Force:

UPCOMING DATA REPORTING PERIOD

Pursuant to administrative rule *Hedc 603.02*, the survey **should be administered during the 1st quarter (January–March) of 2024**, and biennially thereafter. It shall remain open for student completion for a minimum of 3 consecutive weeks within that window.

We are mindful that New Hampshire IHEs utilize a range of differing academic calendars and that this survey may be only one part of an IHE’s annual survey activity. Nonetheless, consistent timing of this survey across the state allows for coordinated and collaborative administrative efforts and a streamlined data reporting process through the Department of Education.

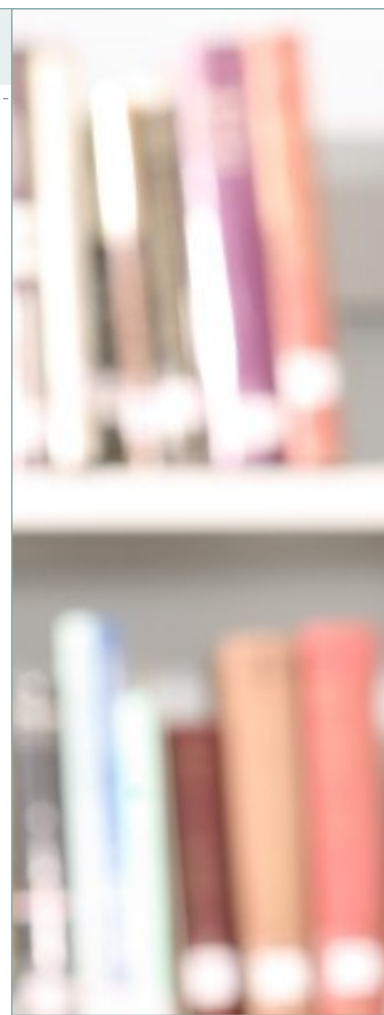
RSA 188-H requires each IHE to report on and publish the survey results in a couple of specific ways: (1) the survey instrument, anonymized raw data, and any written summaries should be submitted to the Director of the Division of Educator Support and Higher Education, NHED; (2) a summary of the results, plus a link to the Division’s statewide survey data, must be posted on the IHE’s website in an easily accessible manner. Per administrative rule *HEDC 604.01*, the data and summary should be submitted to the Department of Education and the summary posted to the IHE’s website by July 31 or within 120 days of survey completion, whichever date comes first.

- The State of New Hampshire Department of Education will provide access to an online submission tool, allowing for the secure uploading of raw data. Raw data is stored but not published so as to protect any potentially identifying information.
- Additional considerations for data analysis, reporting, and summarizing can be found in Appendix B of the Implementation Guide.

WEB UPDATES

The New Hampshire Department of Education maintains a web page containing information on the RSA 188-H Task Force, including links to the Implementation Guide and previous newsletters. The web page will be updated with additional information as it becomes available.

[Sexual Misconduct at Higher Education Institutions | Department of Education \(nh.gov\)](https://www.nh.gov/education/rsa-188-h)



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NEWLY UPDATED IMPLEMENTATION GUIDE

This guidance document offers instructions and recommendations for the implementation of a biennial sexual misconduct climate survey at institutions of higher education (IHEs) in the State of New Hampshire, pursuant to RSA 188-H.

The document is intended to assist IHEs in complying with the climate survey provisions laid out in RSA 188-H in a manner that is closely aligned with best practices. The base survey has been designed to serve multiple purposes: (1) measuring the

prevalence of various forms of sexual misconduct; (2) assessing the impacts and effectiveness of campus policies and procedures; (3) informing future directions for prevention, response, and policymaking.



REVISIONS TO THE SURVEY FOR 2024

The Task Force acknowledges the concerns that arose in reporting on and publishing the 2022 survey data, especially with regard to the module on sexual harassment by faculty and staff. The 2024 iteration of the survey has been modified with special attention to that module, including its content and placement within the survey. Please refer to Appendix B of the guidance document for sample language that IHEs may wish to include in their written summaries offering clarification on how the data from this module should be analyzed, interpreted, and operationalized.

Our community requires a climate where survivors are supported and valued and where each member can feel safe and respected. We all have a role in supporting a college experience that is safe, inclusive, where each student feels an authentic sense of belonging - a campus that is vigilant in both preventing and addressing sexual misconduct, one that better protects survivors and one that is inclusive of all people. We hope this survey serves as a valuable tool in advancing these goals and allows us to continuously examine and improve our prevention and response efforts.

RSA 188-H:12 DATA REPORTING REQUIREMENTS

As a reminder of the upcoming reporting deadline:

Annually, not later than October 1, an institution of higher education shall prepare and submit to the director, the commissioner of the department of health and human services, the clerks of the senate and house of representatives, and the chairpersons of the senate and house committees with jurisdiction over education a report that includes:

I. The total number of allegations of dating violence, domestic violence, sexual assault, and stalking reported to the institution's Title IX coordinator by a student or employee of the institution against another student or employee of the institution.

II. The number of law enforcement investigations initiated in response to complaints of sexual misconduct brought forward by students or employees of the institution against another student or employee of the institution, if known.

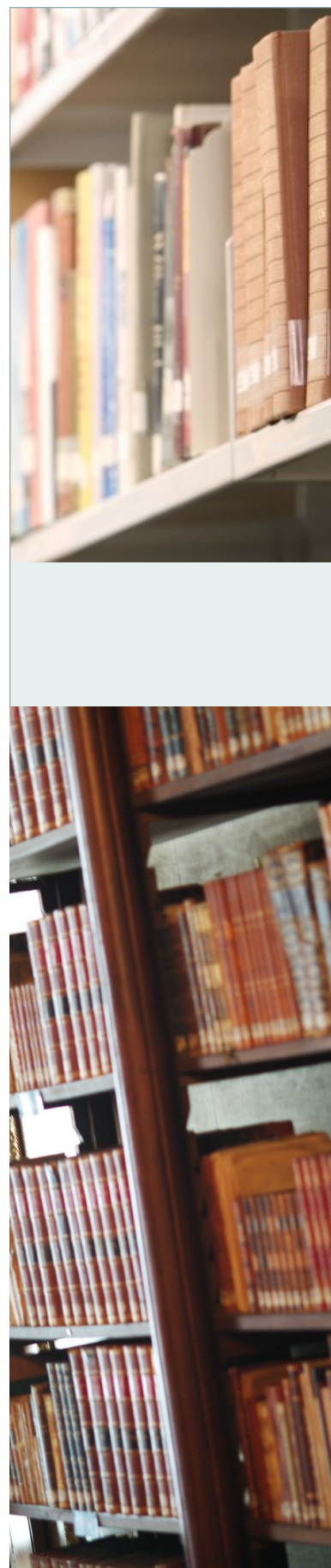
III. The number of students found responsible for violating an institution's policies prohibiting sexual misconduct.

IV. The number of students found not responsible for violating an institution's policies prohibiting sexual misconduct.

V. The number of disciplinary actions imposed by the institution as a result of a finding of responsibility for violating an institution's policies prohibiting sexual misconduct. The report shall provide information in an anonymous manner that complies with state and federal privacy laws.

In order to assist with the data reporting requirement under RSA 188-H:12, a group of Task Force members and additional IHE representatives created an annual data reporting form. The form included a place to specify the reporting period and, the following year, a note that the beginning of the reporting year should align with the end of the previous reporting year. The Task Force heard feedback from some IHE representatives that, having experienced two rounds of the data reporting process, they realized that selecting a different set of dates would have better suited their campus.

The Task Force discussed this feedback at a recent meeting and suggested that DOE allow institutions an opportunity to adjust the reporting period when reporting the 2022-2023 data. It is important to ensure that all data covered by section H:12 is represented without being duplicated.



ABOUT RSA 188:H

On July 20th, near the end of the 2019-2020 legislative session, a bill written by students, advocated for by survivor advocates, and supported by New Hampshire colleges and universities in that state was signed into law; marking the first bill in New Hampshire state history aimed at curbing campus sexual violence. This law, [RSA 188:H relative to sexual misconduct at institutions of higher education](#), carries components that mandate Institutions of Higher Education (IHEs) in the state to adopt comprehensive policies on sexual misconduct, offer support for students experiencing issues relative to campus sexual violence, and implement various preventative measures.

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.

Coming in Future Newsletters

Resources to help IHEs implement the other important components of the statute. Possible topics include:

- The CRA's role
- Prevention and Awareness
- Staff Training

Questions, Comments, Concerns?

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

[Sexual Misconduct at Higher Education Institutions | Department of Education \(nh.gov\)](#)

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.htm>