

3. If a complainant is found to have intentionally made dishonest allegations or to have made them maliciously, he/she will be subject to appropriate discipline.

4. During the interviews, the complainant or the accused has the right to be accompanied by a representative of his/her choice, at his/her own expense.

IV. RETALIATION

Franklin Pierce Law Center also prohibits any form of retaliation against any individual for filing a good faith complaint under this policy or for assisting in a complaint inquiry. Anyone found to have engaged in such retaliation against a person who has registered a complaint under this policy or to have retaliated against anyone for assisting in the investigation of a complaint, will be subject to disciplinary action up to and including suspension and/or expulsion. Any individual who believes that he or she is being retaliated against should bring it to the attention of their supervisor, the Dean, Assistant Dean of Students, or the Vice President of Finance, so that appropriate action may be taken.



SEXUAL, ROMANTIC, AND FAMILIAL RELATIONSHIPS

A. NEW RELATIONSHIPS DISCOURAGED OR PROHIBITED; DISCLOSURE AND SUPERVISION REQUIREMENTS

1. This section does not apply to sexual, romantic, familial relationships in existence before one or both individuals joined the Pierce Law community.

2. **In General** – There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions. Such positions include (but are not limited to) faculty and student, supervisor and employee, senior faculty and junior faculty, advisor and advisee, teaching assistant and student, and the individuals who supervise the day-to-day student environment. Because of the potential for conflict of interest, abuse of power, exploitation, the appearance of favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided, and the trust inherent particularly in the faculty-student context. They may, moreover, be less consensual than the individual whose position confers power or authority believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect.

Moreover, such relationships may harm or injure others in their academic or work environment. Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or creates a perception of these problems. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct. A romantic relationship is defined as an interaction between a faculty member or staff member and a student which is characterized by physical or verbal intimacy or familiarity manifesting the existence of a sexual attraction between the two individuals

3. **Among Employees and Between Employees and Students** – Sexual or romantic relationships between employees are strongly discouraged where one employee has greater authority at Pierce Law than the other. Equally, such relationships between a non-faculty employee and a student are discouraged where the employee is in a position to exercise power or authority over the student. For this purpose Teaching or Research Assistants are considered employees. If a consensual sexual or romantic relationship involving an employee

does develop, the person in the position of greater authority or power will bear the primary burden of accountability, and must ensure that he or she does not exercise any supervisory or evaluative function over the other person in the relationship. Where such recusal is required, the recusing party must also notify his or her supervisor so that the supervisor can exercise his or her responsibility to evaluate the adequacy of the alternative supervisory or evaluative arrangements to be put in place. To reiterate, the responsibility for recusal and notification rests with the person in the position of greater authority or power. Failure to comply with these recusal and notification requirements is a violation of this policy, and therefore grounds for discipline. Pierce Law has the option to take any action necessary to insure compliance with the spirit of this recusal policy, including transferring an employee in order to minimize disruption of the work group.

In those rare situations where it is programmatically infeasible to provide alternative supervision or evaluation, the Associate Dean or Vice President for Finance must approve all evaluative actions and the Dean will take appropriate compensation actions.

4. Between Faculty and Students – At Pierce Law, the role of faculty is multifaceted, including serving as intellectual guide, counselor, mentor and advisor; the faculty's influence and authority extend far beyond the classroom. Consequently and as a general proposition, a sexual or romantic relationship between a faculty member and a student, even where consensual and whether or not the student would otherwise be subject to supervision or evaluation by the faculty member, is inconsistent with the proper role of the instructor. Pierce Law therefore prohibits such relationships. This policy extends to adjunct faculty and to visiting faculty. Failure to comply with this policy is grounds for discipline.

Enforcement of the policy with regard to faculty will be accomplished in accordance with FARR.

Nothing in this policy is intended to prohibit, proscribe, or otherwise limit social relationships between faculty and students which do not involve romantic or sexual relationships. Such friendly interaction outside the classroom and even outside the school itself provides an opportunity for students to gain a better understanding of the role of lawyers as well as opportunities to teach and learn.

5. Among Students – Relationships among students which do not involve actions violating the Conduct Code or Sexual Harassment Policy are left to the judgment and discretion of the parties.

B. PRE-EXISTING RELATIONSHIPS, DISCLOSURE AND SUPERVISION REQUIREMENTS.

1. Disclosure – When an employee or faculty member has a pre-existing spousal, familial, sexual, or romantic relationship with another employee or student, it is his or her duty to disclose it to his or her supervisor or, in the case of faculty, to the Dean or Associate Dean.

2. Among Employees and Between Employees and Students – Such pre-existing relationships are subject to the rules in A. 3. above.

3. Between Faculty and Students – The potential for actual or apparent conflicts should be minimized to the extent it does not significantly impair the student's educational opportunities. The Associate Dean shall do so by such means as requiring enrollment in sections taught by unrelated faculty or providing for evaluation by unrelated faculty in situations of close supervision (e.g. clinics, law review, moot court). In situations where alternative sections or supervision are not available or practical, the Associate Dean may permit enrollment in courses which are graded anonymously or on a non-letter basis.

C. ENFORCEMENT.

1. Penalties – Disciplinary sanctions for violations of this policy may range from private reprimand to dismissal depending on all relevant factors, including (but not limited to) actual or potential for harm, prior conduct, state of mind, and the relative authority or status of the parties.

2. Due Process – No one who denies a charge shall be subject to discipline without having disclosure of, and full opportunity to respond to, all relevant evidence against them, including the names of witnesses or accusers.

3. Employees and Adjunct Faculty – Subject to the Due Process provision, alleged violations by employees and adjunct faculty may be dealt with as with other complaints under the authority of the Vice-President or Associate Dean, respectively.

4. Full Time Faculty – Dismissal of full time faculty prior to the end of their current term, contract, or tenure cannot be imposed without following the procedures in VI. C. of Faculty Appointments, Rights, and Responsibilities.

Subject to the Due Process provision above, lesser sanctions are in the discretion of the Dean, or, if the Dean is accused, in the Executive Committee of the Trustees.

5. **Agreed Disposition** – Notwithstanding the above, the President may enter into an agreed disposition of any charges which will be reduced to writing and included in the employee or faculty member's personnel file.

POLICY REVIEW AND EVALUATION

This policy went into effect on March 6, 2008 by joint action of the President/Dean and the Faculty. It is subject to periodic review, and any comments or suggestions should be forwarded to the Associate Dean.



BUILDING SECURITY POLICY:

In accordance with the requirements of 20 U.S.C.A. 1092(f), Disclosure of Campus Security Policy and Campus Crime Statistics, the following policy and statistical statement is provided individually to every student and every employee of Franklin Pierce Law Center and is available on request to any applicant to Pierce Law.

I. Current Policies For Reporting Crimes and Emergencies

Any student or employee observing criminal behavior occurring in any building or property owned by Pierce Law and used by it in direct support of its educational purposes should report such behavior immediately to either the Assistant Dean of Students or the Vice President for Finance.

On weekends, nights or holidays when the building is open, criminal activity or security problems should be brought to the attention of the person working at the desk in the FPLC library.

If the criminal activity warrants immediate police attention, and the security officer is not available, the police should be contacted directly by dialing 911. In like manner, if there is a fire, or in the event of a medical emergency requiring an ambulance, the person observing such activity should also call 911 and request assistance as needed. Phones available after hours are in the library and there are pay phones near the vending machines on the lower level. No money is required to make an emergency call from a pay phone. During regular hours, emergency phone calls can be made from any office or from the switchboard. Following the emergency, a report of the event should be made to the Assistant Dean of Students or Vice President for Finance.

Reports of criminal activity are generally made by the security officer, however if the security officer is not involved, the report should include as much detail as possible including the date, time, location, and nature of the criminal activity, a description of the alleged perpetrator, as well as the names, addresses, and phone numbers of witnesses and/or victims. If the criminal activity involves motor vehicles, a description of the vehicles, including license plate numbers, should be noted, if possible. All incidents in the school should be reported to the Assistant Dean of Students or the Vice President for Finance.

II. Current Security Policies

Except for the Rines Building entrance, other entrances to Pierce Law building are locked after 4:30 p.m. on weeknights and all day on weekends.

The library entrance is open to accommodate the library hours of 7:45 a.m.–12:00 midnight weekdays, 7:45 a.m.–10:00 p.m. Friday, 10:00 a.m.–10:00 p.m. on Saturday, and 10:00 a.m.–12:00 midnight Sunday. Summer and vacation hours may vary. For several holidays during the year, the entire building, including the library, is closed and locked and not available for entry (except for faculty or staff with keys).

Pierce Law has a security officer on duty when the library is open from early evening until the building is closed. The security officer's responsibilities include checking the interior and exterior of the building, reporting all criminal activity to the police, making emergency calls when necessary, assisting students, faculty or staff should they need to be escorted to the parking lots and making sure the building is vacant when the library closes.

Students should not take their security for granted, especially at night. It is advisable to avoid unlit areas and to walk with a companion.

Students are encouraged to report any potential source of difficulty to either the building security officer or building supervisor. The security officer reports nightly to the Business Office. However, students are also encouraged to report difficulties if they arise.

III. Enforcement of Policies

Since Pierce Law does not have a campus police force, Pierce Law personnel are authorized to enforce campus security policies and to seek, when necessary, the assistance of the Concord Police Department or New Hampshire State Police. If outside law enforcement agencies have been called, they are authorized to enforce school policies and, as appropriate, federal, state, and local laws and ordinances.

IV. Type and Frequency Of Programs To Inform People