

# Student Rights, Rules, Responsibilities

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# Introduction

## Welcome to the University of New Hampshire

The University offers a wealth of resources to support your success. The opportunities to learn and to grow are virtually limitless, and are shaped by a motivation to embrace the intellectual and personal challenges of a college education. As with any community, ours has rules to promote a supportive environment conducive for learning. While these rules pertain to students, they are consistent with the expectations for all members of the UNH community.

The expectations within the *Student Rights, Rules and Responsibilities* apply on and beyond the University campus. One crucial aspect of the UNH Community is our collective commitment to respect the rights, dignity, and worth of all community members. As a land, sea, and space grant University, we recognize that our “classroom” extends throughout the universe and we hope that you will carry this same respect to all corners of the world, beginning with our host community of Durham. We ask that you review this document in order to understand the values and rules of this community.

A college education is about the development of intellect. Importantly, it is also about the development of the character and judgment to use intellect wisely.

For the vast majority of our students, college will be a challenging and worthwhile experience. Taking the time to become familiar with the expectations and rules defined in this document will allow you to focus on the best parts of college life and discover your own future at UNH.

Welcome to the University of New Hampshire. If there is anything we can do to help you to succeed, please let us know.

## Statement of Nondiscrimination

The University of New Hampshire is a public institution with a long-standing commitment to equal opportunity for all. The University does not discriminate on the basis of race, color, religion, sex, age, national origin, sexual orientation, gender identity and expression, disability, veterans’ status, or marital status, in admission or access to, or treatment or employment in, its programs, activities or services. Inquiries regarding discriminatory harassment (including sexual harassment) should be directed to: The Director & Title IX Coordinator, Affirmative Action and Equity, Thompson Hall 305, 105 Main Street, Durham, NH 03824-3547, Telephone (603)-862-2930, TTY (603) 862-1527, Fax (603) 862-2936; or to the Boston Office, Office for Civil Rights (OCR), U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921, Telephone (617) 289-0111, Fax (617) 289-0150, TDD 800-877-8339. Email OCR.Boston@ed.gov; or to the Executive Director, State of New Hampshire Commission for Human Rights (NHCHR), Industrial Park Drive, Bldg. One, Concord, NH 03301-8501, Telephone (603) 271-2767, Fax (603) 271-6339, or Email: humanrights@nh.gov

## Statement of Shared Civic Commitment

### *The Town of Durham and University of New Hampshire Statement of Shared Civic Commitment*

The University of New Hampshire and the Town of Durham share common values and standards. Each is committed to creating a positive environment for its members and to enhancing the welfare of all. The university’s location within the Town of Durham creates a special relationship that requires mutual respect, open and continuous communication, and the fulfillment of civic responsibilities by all community members. UNH and the Town are collectively committed to cooperation in the resolution of mutual problems.

### *Civic Standards of the University of New Hampshire and the Town of Durham*

A sound community is rooted in the principles of respect for individual integrity, respect for individual rights, responsible stewardship in the care of the physical environment, respect for law, and cooperation and service. All members of the community should make a conscientious effort to live by the following standards based on these principles.

#### *Respect for Community*

Community members show respect for the integrity and worth of all persons. Such respect requires one to:

- Act in ways that are constructive, honest, and considerate.
- Value basic civil rights as guaranteed by the Constitution of the United States.
- Accept persons whose race, color, religion, sex, national origin, ability, sexual orientation, gender identity or expression, veteran status, marital status or age may differ from one’s own.

#### *Respect for Environment*

Community members value and protect our natural and physical environment. Respect should be exhibited in the downtown area and in residential neighborhoods. Young children, working older adults and elderly residents need quiet time and deserve a peaceful quality of life. Respect for the environment also means placing trash in containers and taking a moment to pick up and dispose of litter.

#### *Respect for Law and University Policy*

Community members abide by the policies of the University of New Hampshire as applicable, and obey the ordinances of the Town of Durham, and the laws of the State of New Hampshire and the United States of America. They accept accountability for their individual actions. Special emphasis should be placed on obeying laws and policies regarding:

- The sale, purchase, possession, consumption, and transportation of alcoholic beverages;
- The sale and/or use of illicit drugs;
- Violent, indecent or disruptive behavior including sexual and domestic violence and harassment;
- Landlord-tenant contractual relationships; and
- The protection of public and private property.

It is the intention of the University and the Town of Durham to treat all members of the community with fairness, dignity, and respect. We are collectively committed to addressing violations of law and University policy in a timely, predictable, meaningful and consistent manner.

*February 4, 2004, Updated May 21, 2014, Updated May 21, 2015  
Updated July 20, 2017, Updated July 22, 2018*

As used in this publication, “(fs)” denotes the rules within the jurisdiction of the Faculty Senate, “(gc)” for Graduate Council, and “(ad)” denotes administrative rules. Those rules denoted with “(ad/ss)” are within the jurisdiction of the administration and the Student Senate.

## Declaration of Student Rights and Rules

### *Preamble*

Universities are dedicated to the promotion of learning and scholarship. To achieve that purpose, they are obliged to provide the conditions in which such learning can take place. This obligation carries with it certain rights of universities to protect and preserve themselves in order that they may continue to provide the appropriate environment. Thus, a proper condition for individual learning is one in which the rights of the individual members thereof, are recognized and balanced.

Within that framework, these declarations are made for all students' at the University of New Hampshire.

### *Right to pursue learning and right of expression*

Students' rights to pursue learning and to express their views responsibly are of paramount importance in an academic environment.

### *Right to participate in University governance*

Students have the right to participate in the institutional governance and policy formation as defined by the appropriate governing body.

### *Right to assemble and associate*

Students may organize and assemble to pursue their common interests, subject to the guidelines established through the University governance structure.

### *Right to due process*

Students are guaranteed the right of fair hearing and appeal in all matters of judgment of academic performance and personal conduct. See the Student-Code of Conduct in this document for review process of violation forms.

### *Right of confidentiality of student records*

Student records are maintained in the University, and the right of access to these records is provided to the student or other individuals according to the guarantees and limitations specified in the federal government's Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232 g). By University policy, no records shall be kept that reflect political or ideological beliefs or associations.

### *Rights and responsibilities under the law*

Individual rights under the United States Constitution shall not be abridged by the University.

### *Responsibility for standards of conduct*

Students shall accept the responsibility of adhering to standards of conduct as established through the University governance structure.

### *Academic responsibilities*

Students are responsible for meeting the academic standards established for the course of study in which they are enrolled, and these standards shall be the only basis for evaluating their academic performance.

### *Responsibility to Monitor Information Technology*

#### *Identification Address*

The University of New Hampshire often communicates with students on official matters in written form. The progression of technology has prompted the University to adapt both its administrative and educational communications to benefit from this technology. In those instances when the University chooses to communicate with students through technology (including but not limited to email, portal communications, and electronic messaging), it often does so with the use of University-generated UNH

Username. The University will provide and maintain this UNH Username; it will be the responsibility of the student to monitor official communication sent by the University to this UNH Username on the UNH email system, as well as those posted to the UNH Portal (MyUNH) and accessible with this UNH Username.

### *Room and Board Agreement*

Students shall be responsible for knowing and adhering to the terms and conditions set forth in the University Room and Board Agreement as published in the *Student Rights, Rules, and Responsibilities*.

## Statement of Agreement

Students are responsible for knowing the information contained herein, and enrollment at the University of New Hampshire is considered as acceptance of all conditions specified in this document. Students should also be aware that some programs may impose additional obligations.

Extensive efforts have been made to be sure that the contents of this document are complete and up to date, but the University also reserves the right to change any of the policies, rules, or regulations, according to established guidelines, as may be necessary in the interest of the University.

Note: In cases where a print document and the online document differ what is displayed online will serve as the official version.

## 2021-22 Rider to SRR&R Administrative Policies: Compliance with University Public Health Protocol

The health and safety of students, faculty, and staff are priorities in the midst of the Covid-19 pandemic. Accordingly, the University has established and implemented public, campus-wide protocols designed to limit the spread of COVID-19 on the campus and to help safeguard vulnerable persons on campus, in the Town of Durham and in the wider community for the 2021-22 academic year. The protocols are available on the University's COVID-19 website ([unh.edu/coronavirus](http://unh.edu/coronavirus)).

Failure to comply with the protocols will be a violation of the Student Code of Conduct. The protocols establish a process to be administered by the Office of Community Standards.

UNH may modify by these protocols based on changes in the pandemic or federal and state guidelines or directives.

# The Student Code of Conduct and Conduct Process

## Community Standards: Values Statement

Students must live, work, and learn in an environment of civility and respect where their rights and responsibilities are deeply valued, highly cherished and fairly administered. Community standards of behavior are intended to preserve and protect the University's educational mission of teaching, research, and public service. The goal of these standards is to promote every student's academic achievement and to help all students become ethical and informed leaders with strong character and integrity, who are able to understand the consequences of their behavior for themselves and others. At their core, these rules emphasize education, personal growth and fairness.

## Article I: Definitions

1. "Aggravating factor". A circumstance attending the commission of misconduct that adds to its seriousness. Examples include violence, violation of trust or duty, premeditation, use of force, use of a weapon, or a previous conduct violation.

2. "Character evidence". Evidence that is offered to show that a respondent or any other person is more likely or less likely to have done something or not done something (for example, that a person did or did not violate the rules of conduct or did or did not provide accurate testimony/information) because the person has a good or bad character, has a reputation for having a good or bad character or previously acted in ways that tend to demonstrate that a person has a good or bad character.

3. "Complainant". Any University community member (including an individual student) who submits a complaint alleging that a student violated the Student Code of Conduct. A student who files a formal Complaint under Section Art. V.D.6 is referred to as a "Reporting Student"

4. Discriminatory harassment, including sexual harassment or sexual violence is defined under Administrative Policies, section 10.2, 10.3 of the SRR&R.

5. "Director". The Director of Community Standards or the Director's designee.

6. "Expressed consent" is mutual agreement, based on a shared desire for specific sexual activities that is expressed verbally or non-verbally.

- Examples of expressed consent include, but are not limited to, (a) an ongoing verbal interaction, taken one step at a time, to engage in escalating sexual intimacy; (b) mutual awareness of possible unwanted consequences of sexual activities such as pregnancy and sexually transmitted diseases and taking precautions to avoid those consequences; and (c) an ongoing recognition that consent to some sexual activities does not imply consent to other, different or more intimate sexual activities.
- Examples of non consensual sex include but are not limited to: threatening, forcing, manipulating, intimidating, blackmailing, drugging, and causing a person to become intoxicated as a substitute for expressed consent or engaging in unwelcome sexual activity with a sleeping or incapacitated person.

7. "Faculty member". Any person employed by the University to conduct classroom activities. For purposes of this Code only, graduate students conducting laboratory or classroom activities in credit bearing courses for undergraduates without direct compensation, teaching assistants and instructional assistants are faculty members. For purposes of this Code, persons with tenure track, research, clinical and lecturer appointments are faculty members.

8. "Harassment". Conduct that unjustly, substantially, unreasonably and/or consistently interferes with an individual's work, academic or residential environment (this is not limited to in person conduct and, for example, can include things like posts on social media, texts, etc.), except where a different legal standard applies under 34 C.F.R. part 106..

9. "Hazing". Any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when:

- a. Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and
- b. Such act is a condition of initiation into, admission into, continued membership in or association with any University organization, team or activity.

10. "Incapacitated" means that a person is not able to consent to sexual contact or sexual conduct. It includes circumstances where a person is unconscious, asleep or incapable of making a decision due to ingestion of any drug or intoxicant. Incapacity is a state of unconsciousness or a state of extreme mental confusion in which a person is unable to assess or control one's behavior. An incapacitated person does not understand the fact, nature or extent of sexual activity even if the person is capable of some voluntary physical actions. An ordinary person can reasonably observe that an incapacitated person needs care or supervision to maintain personal safety or is unable to communicate due to a mental or physical condition. Incapacitation is not mere impairment or intoxication. With respect to incapacity due to alcohol ingestion, each person reacts differently to alcohol; therefore incapacity does not require a certain number of drinks, or a certain blood alcohol level. A respondent is held to the standard of what a reasonable sober person knew, would know or should have known about a reporting student's capacity to consent at the time of the interaction in question

11. "Hearing Panel". A group of three persons designated by the Director to decide, after a hearing, whether a student is responsible for a violation of the Student Code of Conduct and, if so, to impose sanctions.

12. "Member of the University community". Any person who is a student, faculty member, University official or any other person employed by the University.

13. "Mitigating factor". Any circumstance that may be taken into consideration to reduce a sanction.

Examples of mitigating factors include: accident, provocation and self-defense.

14. "Policy". A written regulation of the University that binds a student and the University. University policies are found in the University System of New Hampshire Online Policy Manual, the Student Rights, Rules, and Responsibilities, the University Room and Board Agreement, the Graduate/Undergraduate Catalogs or other written statements or sets of statements by University trustees, faculty and officials that establish rights, requirements, and responsibilities. For more information see: <http://www.usnh.edu/policy/unh/iii-administrative-policies/e-institutional-policy-development-review-and-approval>.

15. "Relationship abuse". The act or attempted act of: physical harm, threatening, coercion, harassment, discriminatory harassment, including sexual harassment or sexual violence, or stalking by a current or former sexual partner or intimate partner, and where such conduct constitutes a credible threat to the partner's safety.

16. "Respondent". Any student or organization accused of violating this Code. (a student respondent may also be referred to as a "Responding Student")

17. “Appellate Officer”. The University official authorized by the Director to decide any appeal or review available under this Code.

18. “Sexual harassment”. A kind of discriminatory harassment. Discriminatory harassment is more fully defined by University policy ([https://www.unh.edu/sites/www.unh.edu/files/departments/affirmative\\_action\\_and\\_equity\\_office/discrimination\\_and\\_discriminatory\\_harassment\\_policy\\_booklet\\_july\\_2014.pdf](https://www.unh.edu/sites/www.unh.edu/files/departments/affirmative_action_and_equity_office/discrimination_and_discriminatory_harassment_policy_booklet_july_2014.pdf)), but in brief sexual harassment may take the form of unwelcome sexual advances, graffiti, jokes, pranks, slurs, insults, threats, remarks made in the person’s presence, interference with the person’s work or academic life, vandalism, assignment of unpleasant duties, or even physical assault directed against any member of a protected class. For purposes of this Code, behavior is considered to be sexual harassment when such conduct is severe, pervasive, and/or objectively offensive that effectively denies a person equal educational access, except where a different legal standard applies under 34 C.F.R. part 106.

19. “Sexual misconduct” includes, but is not limited to, any sexual penetration (sexual penetration as defined at <http://www.gencourt.state.nh.us/rsa/html/LXII/632-A/632-A-1.htm>) without seeking and receiving expressed consent. It includes penetration accompanied by threat, force, unwelcome manipulation, intimidation, blackmail, as a substitute for expressed consent. Sexual misconduct includes penetration when a person is incapacitated due to mental/physical disability and/ or substance ingestion. Substances can include legal or illegal drugs and alcohol or any combination of the two.

20. “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 in 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.

21. “Student”. Any person reported by the Registrar as taking one or more undergraduate, graduate, summer or continuing studies courses at UNH or having accepted an offer of admission to the University. It includes:

- a. Persons enrolled in full-time and part-time degree, certificate or credit bearing programs;
- b. Non-university personnel living in University owned undergraduate or graduate residences;
- c. Persons enrolled in a UNH degree program or taking courses for UNH credit or for transfer credit; Students in study away and study abroad programs;
- d. Persons who are not officially enrolled in credit bearing studies for a particular term but who may have a continuing student relationship with the University including persons who are interim suspended, withdrawn, separated or otherwise have a reasonable expectation of resuming enrollment in courses are considered “students.”
- e. Students who have completed the course work to receive a degree but who remain on campus to conduct research.

22. “Student organization”. A group of students who have complied with the formal requirements for University recognition as an organization as described in section 18.2 of this document.

23. “Threaten”. To express one’s intention to (a) physically harm or kill another person, or (b) to take hostile action against another person or their property in a manner that would make a reasonable person fear for their safety.

24. “University official”. Any person employed by UNH, performing

assigned administrative or professional responsibilities.

25. “University”. The University of New Hampshire (UNH), including its campuses in Durham, Manchester and Concord.

26. “University premises”. All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by UNH, including adjacent streets and sidewalks.

27. “Unwanted sexual contact” includes, but is not limited to, any sexual contact that can be reasonably construed as being for the purpose of sexual arousal or gratification, or the humiliation of the person being touched, without seeking and receiving expressed consent. It includes sexual contact accompanied by threat, force, unwelcome manipulation, intimidation, blackmail, as a substitute for expressed consent. Sexual contact when a person is incapacitated due to mental/physical disability and/ or substance ingestion. Substances can include legal or illegal drugs and alcohol or any combination of the two.

28. “Witness”. A person who has knowledge of an incident related to an alleged violation of this Code.

## Article II: Authority

1. Jurisdiction of the University: University jurisdiction and discipline shall apply to conduct which occurs on University premises or off-campus behavior that adversely affects the University Community and/or the pursuit of the University’s objectives. This Code shall apply to students participating in University managed or approved study away, study abroad and events or trips.

- a. The University shall cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.
- b. Individual students, staff and faculty members, acting in their personal capacities, remain free to interact with investigators, attorneys and prosecutors, as they deem appropriate, subject to controlling law.

2. Proceedings under this Code are administrative and educational in nature and purpose. They do not constitute a criminal law process, nor are they intended to resemble one.

3. The Director is responsible for administering the Student Code of Conduct to promote fair, accurate and prompt resolutions to violation reports in a way that furthers the education, safety and welfare of the University community. The Director is designated by the University President. In addition, the Director:

- a. Shall develop policies and forms for the administration of the University student conduct system and procedural rules for the conduct of hearings.
- b. Has discretion to investigate or appoint an investigator to find additional facts to assist in the prompt, fair and accurate resolution of a report of a conduct violation.
- c. Shall act as a neutral procedural advisor to consult with investigators, complainants, respondents, Hearing Panels, and Appellate Officers regarding the procedures required by this Code and controlling law, including ruling on evidentiary and legal questions as needed.
- d. Shall not make findings or impose sanctions when the responsibility for doing so rests with a Hearing Panel or Appellate Officer.
- e. Shall preserve the impartiality and fairness of the processes undertaken under this Code, respecting the interests of complainants, witnesses, responding students, hearing personnel and the importance of the conduct process to the educational mission of the University.

- f. The Director will participate in the University’s response to allegations of sexual misconduct, unwanted sexual contact, sexual harassment, stalking, and relationship abuse as described in Article V.D and will:
    - i. Oversee the work of the independent investigator, in consultation with the University Title IX Coordinator and, as needed,
    - ii. Act as a neutral procedural advisor to the University complainant regarding the student conduct process and assist the University complainant to prepare to present a contested case and,
    - iii. Act as procedural advisor to Hearing Panels, Hearing Officers, and Appeal Officers.
  - g. Shall be responsible for maintaining files of student conduct matters, scheduling Hearing Panels and Reviews.
  - h. Has discretion to dismiss a Report of Violation report after meeting with the party filing the report where the Director finds the report is frivolous, lacks a factual or legal basis, is barred by the final determination of an earlier report of violation or is primarily intended to harass a student, except as provided under 34 CFR part 106.
4. In contested matters, findings of fact, determinations of responsibility and imposition of sanctions shall be made by a Hearing Panel and shall be final, subject to the appeal processes provided in this Code. In matters resolved by mutual consent, a hearing panel will not be convened, but the parties may reserve one or more issues, including an appropriate sanction, to be decided by a reviewing officer.
5. Appeals of Hearing Panel decisions shall be decided by a single Appeals Officer.

### Article III: Conduct Rules

Any student found to have committed the following misconduct is subject to sanctions under this Code:

1. Acts of dishonesty, including but not limited to the following:
  - a. Furnishing false information to any University official, faculty member or office.
  - b. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
  - c. Tampering with the election of any University recognized student organization.
2. Disrupting or obstructing teaching, research, administration, disciplinary proceedings, or other University activities, including public service functions on or off campus, or other authorized non-University activities.
3. Conduct which results in:
  - a. Physical harm or injury;
  - b. Threatening or endangering the health or safety of any person;
  - c. Harassment;
  - d. Discriminatory harassment, including sexual harassment or sexual violence;
  - e. Stalking, including cyber stalking;
  - f. Relationship abuse; or
  - g. Unwelcome physical contact.
4. Unwanted sexual contact.
  - a. Complaints of unwanted sexual contact that constitute “sexual harassment” as defined by 34 CFR part 106 (eff. Aug. 14, 2020).
  - b. All other complaints of unwanted sexual contact as defined in this Student Code of Conduct
5. Sexual misconduct.
  - a. Complaints of sexual misconduct that constitute “sexual harassment” as defined by 34 CFR part 106 (eff. Aug. 14, 2020).
  - b. All other complaints of sexual misconduct as defined in this Student Code of Conduct.
6. Theft, attempted theft or possession of stolen property. Property may be property of the University, a member of the University community, or of another.
7. Intentional, knowing or reckless damage to property. Property may be property of the University, a member of the University community, or of another.
8. Hazing.
9. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify one-self to these persons when requested to do so.
10. Unauthorized possession, duplication or use of keys to any University premises or unauthorized entry to or use of University premises.
11. Violation of any approved University policy, rule, or regulation, published in hard copy or available electronically or on any official university website, including but not limited to:
  - a. The University Room and Board Agreement,
  - b. Fire Safety Regulations,
  - c. University Dining Policies,
  - d. Discrimination and Discriminatory Harassment Policy,
  - e. Rules governing fraternity and sorority life and
  - f. University Alcohol and Drug Policies.
12. Conviction or commission of a violation of federal, state or local law.
13. Use, possession, manufacturing, or distribution of narcotic or other controlled substances except as expressly permitted by law. (See Alcohol, Tobacco, and Other Drug Policies, page 16, and pages 52-56.) Violations of this rule include but are not limited to:
  - a. Use of narcotic or other controlled substances
  - b. Possession of narcotic or other controlled substances
  - c. Distribution of narcotic or other controlled substances
  - d. Possession of drug paraphernalia
  - e. Hosting a gathering where the use of narcotics or other controlled substances has occurred or are dispensed from a common source. A student is considered to be “hosting a gathering” when there is at least one person in the student’s room or apartment who does not reside there (even if the student did not invite the non-resident.)
  - f. Manufacturing of narcotic or other controlled substances
14. Use, possession or distribution of alcoholic beverages except as expressly permitted by law and University regulations. Violations of this rule include:
  - a. Use/possession/distribution of alcohol by individual under the legal age;
  - b. Public intoxication;
  - c. Excessive consumption of alcohol;
  - d. Alcohol in residence hall common areas or in areas of University apartment complexes reserved exclusively for common use;
  - e. Possession/consumption of alcohol in room or common areas of individuals under the legal age;
  - f. Providing underage people with alcohol;
  - g. Hosting a gathering where prohibited drinking has occurred or where alcohol is dispensed from common sources. A student is considered to be “hosting a gathering” when there is at least one person in the

student's room or apartment who does not reside there (even if the student did not invite the non-resident.)

- h. Under the influence of alcohol resulting in injury/illness;
- i. Other violations of UNH alcohol policy. (See Alcohol, Tobacco, and Other Drug Policies.)

15. Violations committed by guests. All UNH students are responsible for the behavior of their guests when on University property and students are subject to conduct charges for any misconduct committed by their guests. Someone is a student's guest if (1) the person is in a student's room or apartment (whether or not invited by that student); (2) the student invited the person to the student's residence hall or apartment building; or (3) the student invited the person to campus.

16. Illegal or unauthorized possession, or use of firearms, explosives, fireworks, other weapons, or dangerous chemicals. See USNH Online Policy Manual (OLPM) UNH.111.J.1-5.

17. Participation in a campus demonstration which disrupts the normal operations of the University and infringes upon the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area, or in or around public ways in the town of Durham, failure to disperse when so directed by police or university officials; intentional obstruction which unreasonably interferes with the free flow of pedestrian or vehicular traffic, on University premises or at University sponsored or supervised functions, or in or around public ways in the town of Durham.

18. Conduct that is unacceptable because the behavior is one or more of the following:

- a. Disorderly conduct. (1) Engaging in fighting; (2) continuing to cause unreasonable noise after being asked to stop; (3) causing a disruption in a University building; or (4) disrupting a lawful assembly of persons.
- b. Lewd. Crude and offensive conduct that is sexual in nature. It includes public display of the genitals, buttocks, or anus; public urination or defecation, and public sexual acts including masturbation, intercourse, and oral sex.
- c. Obscene
- d. Breach of peace. (1) Using abusive or obscene language in a public place which is likely to provoke a violent reaction on the part of an ordinary person; (2) resisting a lawful arrest; or (3) trespassing or damaging University or private property.
- e. Aiding, abetting, coercing or procuring another person to commit breach of peace or any violation of this Code.
- f. Violation of privacy. Using any device for the purpose of observing, recording, streaming, or in any way transmitting images, videos, or sounds of the private body parts of a person or their sexual activity without their consent; or knowingly viewing another person, without that other person's knowledge or consent, in a place where they would have a reasonable expectation of privacy.

19. Theft or other abuse of computer time, including but not limited to:

- a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- b. Unauthorized transfer of a file.
- c. Unauthorized use of another individual's identification and password.
- d. Use of computer and/or computing facilities to interfere with the work of another student, faculty member or University official.
- e. Use of University computer facilities and/or computing technology to send or post obscene, harassing, or defamatory messages or to inten-

tionally inflict emotional distress on another student, staff member or faculty member..

- f. Use of computer and/or computing facilities to interfere with normal operation of the University computing system.

20. Knowingly assisting any other person to violate any provision of this Code.

21. Misuse of the Conduct System, including but not limited to:

- a. Failure to obey a summons of a University official who has responsibility for any aspect of the conduct system.
- b. Knowingly falsifying, distorting, or misrepresenting information to UNH officials at any point in the conduct process including false reporting or lying before a Hearing Panel.
- c. Disruption or interference with the orderly conduct of a conduct proceeding.
- d. Retaliation against any person who participates in an investigation or adjudication under this Code.
- e. Attempting to discourage an individual's proper participation in, or use of, the conduct system.
- f. Attempting to influence the impartiality of an Appellate Officer or a member of a Hearing Panel or prior to, or during the course of, a conduct proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a party, witness, Appellate Officer or member of a Hearing Panel prior to, during, or after a conduct proceeding.
- h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
- i. Influencing or attempting to influence another person to misuse the conduct system.

22. Violation of the Three Strikes Policy.

## Article IV: Conduct Resolution Procedures

### A. Report of Violation

1. Subject to the special provisions for Title IX matters, any member of the University community may file a Report of Violation against any student for misconduct on a form prescribed by the Office Community Standards.

- a. The Report of Violation will contain the following information about the alleged violation: the date, location, nature of the incident, a citation to the conduct code and recommended sanction(s).
- b. A single Report of Violation may report multiple violations of this Code arising from a single incident or course of conduct.
- c. The Report of Violation shall be filed electronically with Community Standards upon completion.
- d. The complainant shall transmit a copy of the Report of Violation in electronic form to the respondent upon filing it with Community Standards.
- e. The person filing the Report of Violation shall be referred to as the complainant. A student may file a Report of Violation or be a co-complainant with another member of the University community. The student responding to the Report of Violation shall be referred to as the respondent.
- f. Complainants are encouraged to make a report as soon as possible after the alleged incident to ensure witness and evidence availability. Any charge submitted later than twelve (12) months after the occurrence of the alleged incident and the discovery of the identity of the student(s) involved are subject to dismissal for good cause shown.

2. The Report of Violation shall contain a notice describing the available resolution procedures that apply to the conduct charges listed in the report and means for the respondent to notify Community Standards whether the charges are disputed.

- a. Community Standards shall provide the respondent with appropriate information and resources to educate the student on the conduct resolution process and how to decide whether to contest the report of violation.
  - b. The respondent shall notify Community Standards by email within two business days of receiving the notice whether the charges are disputed or not disputed. If no response is sent within two business days, the charges shall be treated as not disputed.
3. Effect of a Pending Report of Violation:
- a. A respondent who is ineligible to register for or attend classes at any one USNH institution because of a pending student disciplinary charge shall be ineligible to register for or attend classes at any other USNH institution for as long as the charge remains pending.
  - b. If a respondent has withdrawn or withdraws after the filing of such charges either (1) a “hold” will be placed on the responding student’s academic record and the student notified that disciplinary action may be initiated upon the responding student’s application for readmission, or (2) the University may proceed to resolve the disciplinary action.

### ***B. Resolution Process – Level I Sanctions***

1. When Level I sanctions as set forth in section IV.E.6.b are the highest available recommended sanction for the charge(s) contained in a Report of Violation, the following procedures apply to resolve the Report of Violation.

2. When a respondent receives the Report of Violation:
  - a. The respondent may choose to resolve the matter, accepting responsibility and the recommended sanction(s) by electronically acknowledging responsibility.
  - b. The respondent may request, and the complainant may choose to meet to discuss the incident, the respondent’s responsibility, the conduct process, the respondent’s rights and recommended sanctions. The respondent must contact the complainant within 48 hours of receiving the Report of Violation to request a meeting. Failure to notify Community Standards will automatically result in a finding of responsibility and the respondent will be required to comply with all sanctions.
  - c. When the complainant requests a meeting, the complainant and the respondent shall meet to finalize their understanding of the facts relating to the incident, the respondent’s level of responsibility and sanctions. Decisions made at the meeting by the complainant regarding the charge and sanction and by the respondent regarding responsibility are final.

### ***C. Resolution Process – Level II Sanctions***

When Level II sanctions as set forth in Section IV.E.6.b are the highest available recommended sanctions for the charge(s) contained in a Report of Violation, the following procedures apply to resolve the Report of Violation:

1. The respondent may choose to resolve the matter, accepting responsibility and the recommended sanction(s) by electronically acknowledging responsibility. [Note: If the complainant requires that the student attend a meeting to discuss the Report of Violation, this option is not available; the case will be resolved under paragraph 2 below]. The respondent may request, and the complainant may choose to meet to discuss the incident, the respondent’s responsibility, the conduct process, the respondent’s rights and

recommended sanctions. The respondent must contact the complainant within 48 hours of receiving the Report of Violation to request a meeting. Failure to notify Community Standards will automatically result in a finding of responsibility and the respondent will be required to comply with all sanctions.

2. Meet with the complainant. The complainant may require the respondent to attend a meeting to discuss and review the charges/sanctions. If the complainant does not require such a meeting, the respondent may request one.

- a. Requesting/scheduling meeting. Whether the meeting is required by the complainant or requested by the respondent, the respondent must:
  - i. contact the complainant within 48 hrs. of receiving the Report of Violation to schedule the meeting;
  - ii. meet with the complainant within 3 business days of receiving the Report of Violation.
- b. Failure to schedule or attend meeting. If the respondent fails to meet the deadlines for scheduling and attending the meeting, the respondent will be found responsible for all charges and must comply with all recommended sanctions.
- c. Issues to be discussed/decided at meeting.
  - i. Primary purpose of meeting. The purpose of the meeting is to give the complainant and the respondent an opportunity to have an educational discussion about the incident/events and how the respondent can learn from the experience.
  - ii. Respondent may challenge the charges and sanctions. If the respondent does not agree to accept responsibility for the charges and/or does not agree with the sanctions, the respondent may provide information/evidence to support the respondent’s account of events and may explain why the respondent disagrees with the charges/sanctions.
  - iii. After considering the information/explanation offered by the respondent, the complainant will decide whether to find the respondent responsible for any charges and what, if any, sanctions are appropriate. At the discretion of the complainant, the complainant can make this decision after the meeting and the complainant may collect additional information before making the decision.
  - iv. The respondent will receive written notification of the decision and the respondent’s appeal rights.

3. Appeal. If the respondent has met with the complainant and the respondent disagrees with the final decision of the complainant, the respondent may request that Community Standards review the decision.

- a. The respondent must file a written appeal within 2 business days of receiving the complainant’s decision.
- b. Community Standards may alter the result only if it finds one or more of the following:
  - i. Insufficient evidence. It would be clear and convincing to a reasonable person that there is not enough evidence to find that it is “more likely than not” that the respondent committed the violation.
  - ii. Newly available evidence that would make a difference in the finding. The respondent presents evidence in the appeal that was not known or reasonably available to the respondent at the time the respondent met with the complainant and that evidence is credible and would likely have led to a different outcome.
  - iii. Procedural error. The University did not follow its own rules for resolving the matter and it is likely that if it had, there would have been a different outcome.



- iv. Unreasonable sanction. It is clear and convincing that the sanction is inappropriate.

#### **D. Resolution Process - Level III Sanctions**

1. In cases where the maximum sanction for a Report of Violation may include eviction, suspension, or dismissal, and subject to the special provisions for Article V.D. below, a hearing shall be held before a hearing panel if the respondent requests one. In addition, a student may request a hearing before a hearing panel for any Report of Violation containing any of the following alleged misconduct:

- a. Misconduct that caused physical harm or injury to others.
- b. Misconduct that jeopardized the safety and/or well-being of others.
- c. Misconduct that caused an adverse impact to the residential or University community.
- d. Misconduct that caused serious damage to University property or the property of others.
- e. Misconduct that violates conditions of probation or indicates repeated violations.
- f. Misconduct that involves hosting a gathering where prohibited drinking has occurred or there are common sources.
- g. Misconduct that is a violation of the University Drug Policy.
- h. Misconduct that harms others because of their particular race, religion, sex, gender, gender identity or expression, sexual orientation or other category protected by law or university policy.
- i. Sexual misconduct.
- j. Any Report of Violation that becomes the third offense for a Three Strikes charge.
- k. Any Report of Violation where a student is the complainant.

2. In cases where a hearing may be required the complainant and respondent shall hold a preliminary meeting, not less than two (2) and not more than seven (7) business days from the date the respondent receives the Report of Violation. Preliminary meetings shall be conducted by the complainant except in cases where a student is the complainant. The agenda for the preliminary meeting shall include:

- a. The respondent may agree to resolve the charge(s) at the preliminary hearing by accepting responsibility and the recommended sanction(s). If the matter is resolved, the complainant shall report the resolution in a manner prescribed by Community Standards. The Director shall review the proposed resolution to determine that it is consistent with the charges and sanctions in similar cases.
- b. If the respondent does not accept responsibility or the recommended sanction for all charges, the matter will be scheduled for a hearing. At the preliminary the parties shall:
  - i. Discuss the violations identified in the report of violation, the hearing process, the proposed sanctions and the respondent's and complainant's rights in the hearing process,
  - ii. Identify agreed facts, charges or sanctions to save time at the hearing.
  - iii. Identify disputed facts, charges, sanctions or legal issues to focus each party's presentation at the hearing.
  - iv. Review information provided by Community Standards regarding the hearing process.
  - v. The complainant shall report the resolution of the meeting in a manner prescribed by Community Standards.

3. In cases where a hearing is requested Community Standards shall transmit to the respondent and the complainant a notice listing all contested issues identified at the preliminary meeting and setting the date, time and place for a hearing. The hearing shall be held not less than three (3) nor more than ten (10) calendar days after the date of notice issued

Community Standards. The respondent may waive the 3-day notice.

- 4. No less than one (1) business day before the hearing the parties shall:
  - a. Exchange of copies of all documents, reports, photographs and written testimony that the hearing panel will consider.
  - b. Exchange witness lists.
  - c. Identify and present all requests for special accommodations or for preliminary rulings.
- 5. Hearings shall be conducted by a Hearing Panel.
  - a. Hearing panels shall be composed of
    - i. two members drawn from faculty and staff communities and,
    - ii. a student.
  - b. The complainant and the respondent shall have 10 minutes to present oral testimony and to summarize arguments in their favor, subject to the right of members of the Hearing Panel to ask questions. Questions asked by the Hearing Panel shall not be counted as part of the 10 minutes given to each party. All witnesses, and parties to the hearing shall sign an honesty oath. All persons present at the hearing shall sign a confidentiality statement, except for employees of Community Standards.
  - c. Hearings normally shall be conducted in private. At the written request of either the respondent or the complainant, if the complainant is a student, a non-participating student advisor, parent or support person may be present if, in the discretion of the Hearing Panel, presence would not violate the rights of a third party, intimidate any person or threaten to disrupt the proceeding. The admission of non-participating persons shall be revoked by the Director or the Chairperson of the Hearing Panel at any time if it is found that the non-participating person has violated any instruction of the Director or Chairperson at any time during the hearing.
  - d. In matters where there is more than one respondent arising from the same incident, the Hearing Panel Chairperson, or Director, at their discretion, may order hearings concerning each student to be conducted jointly or separately. Respondents may request that hearings be conducted separately. Where hearings are conducted jointly, the Hearing Panel Chairperson may adjust the time periods for each party to present oral testimony.
  - e. When the complainant and/or the respondent are students, they have the right to be assisted by a student advisor. The complainant and/or the respondent are responsible for presenting their own cases. The primary role of a student advisor by Community Standards is to offer guidance to respondents (and complainants if they are students) before, during, and after a hearing. The student advisor does not represent a respondent at any point during the hearing process.
  - f. When criminal charges are pending or may be filed in connection with the incident described in the Report of Violation, the respondent may have an attorney present to advise the respondent. The attorney shall not participate in the hearing.
  - g. Formal rules of evidence do not apply to conduct hearings. The presiding officer shall strive to control the testimony presented at each hearing to reach accurate, prompt and fair findings. Hearsay is admissible if the Hearing Panel Chairperson finds that it is generally reliable, but any party may present reasons that admitted hearsay evidence is or is not sufficiently reliable to be the basis for a finding of responsibility. Character witnesses and testimony regarding any student's good or bad character is irrelevant and will be excluded. The Hearing Panel Chairperson may exclude unduly repetitious, irrelevant or character evidence.
  - h. All procedural questions at the hearing are subject to the final decision of the Hearing Panel Chairperson, who may confer at any time with the Director for procedural advice.

- i. If a complainant or respondent chooses not to attend a hearing, the matter may be heard and the student will be accountable for any decision made by the Hearing Panel, which will determine responsibility and assign sanctions as described in section IV.D. No respondent may be found to have violated the Student Code of Conduct solely because the student failed to appear before a judicial body. In all cases, the evidence in support of the charges shall be presented and considered.
  - j. Adjudicatory Standard - The Hearing Panel will determine whether the respondent is “responsible” or “not responsible” for the Report of Violation. The respondent will be presumed “not responsible” until determined otherwise by a preponderance of evidence. A preponderance of evidence is reached when a majority of the members of the Hearing Panel determines that it is more likely than not that the respondent violated the Student Code of Conduct as stated in the Report of Violation. The Hearing Panel may also impose sanctions according to the procedures in section IV.D.
  - k. The Hearing Panel shall base its finding(s) of responsibility solely on the oral and written evidence and argument presented at the hearing. The Hearing Panel, however, in its discretion, may give notice to the parties at the hearing that the evidence presented forms the basis for a finding of responsibility of a different violation of the Code than stated in the Report of Violation.
  - l. Hearings occurring at the end of an academic semester, including, but not limited to reading days and final exams, and during the summer, and over winter break, may be assigned to a single Hearing Officer.
  - m. There shall be a single verbatim record, such as an audio or video recording, of all hearings. The record shall be the property of the Community Standards and the University and if it is available, the Hearing Panel may consult the record during its deliberations. Unless ordered by the Director, recordings shall be destroyed after the appeal process has concluded.
  - n. Selection and Training: The Director shall select persons qualified to participate on Hearing Panels. Persons selected to participate on Hearing Panels shall receive training from Community Standards.
  - o. If the respondent is a graduate student, the Hearing Panel shall include a student from the Graduate School.
  - p. The Hearing Panel shall submit its findings and sanctions in a manner prescribed by Community Standards.
6. Hearing Decision: Upon completing the hearing, the Hearing Panel shall submit a Hearing Decision to the Director. The Hearing Decision shall include.
- a. The Hearing Panel’s findings whether the respondent is responsible for each violation of the Code contained in the Report of Violation.
  - b. A concise written summary of its findings of fact, and the reason(s) for them.
  - c. Its sanction(s) and the reason(s) for them. The Hearing Panel may request up to 48 hours after the hearing to submit sanctions and supporting rationale.
  - d. Within 24 hours of receiving the Hearing Decision, the Director shall review it and determine whether the findings and sanctions are consistent with the Code and sanction guidelines. It shall be approved if it is consistent and remanded to the Hearing Panel for additional consideration if it is not.
  - e. The Hearing Decision becomes final upon the Director’s approval and shall be transmitted electronically to the parties within one (1) business day, but not later than 7 business days after the final determination.
7. Time limits for scheduling of meetings and hearings may be extended at the discretion of the Director.

## E. Sanctions

1. In recommending and imposing sanctions, complainants and Hearing Panels shall consider the list of sanction guidelines developed by the Director and may also consider the student’s present demeanor and past disciplinary record, arrest and criminal record, the nature of the offense, the severity of any damage, injury, or harm resulting therefrom, and other factors. In formulating a sanction, complainants and Hearing Panel shall consider the educational and developmental goals for the respondent as well as the needs of the community.
2. The Director shall establish a list of sanction guidelines to be used in cases where students are found responsible for a violation of the Code.
3. The Director shall review all sanctions imposed and affirm them unless the Director finds that the sanction imposed is disproportionate, either too lenient or too harsh, to other similarly situated responding students, victims and conduct cases. If the Director finds that the sanction imposed is disproportionate, the Director shall send it back to the panel.
4. Every sanction imposed under this Code shall carry a warning that repeat offenses may subject the student to mandatory discipline under the Three Strikes policy.
5. The following sanctions may be imposed upon any respondent found to have violated the Student Code of Conduct:
  - a. Level I Sanctions:
    - i. *Warning*—A notice in writing to the respondent that the student is violating or has violated institutional regulations. A Report of Violation that results in a warning may be used as the basis for a later report that the student has violated the Three Strikes Policy.
    - ii. *Limited Reformatory Sanctions*: writing reflection papers, preparing bulletin boards, writing an apology letter, having educational conversation with faculty or staff, or attending free program or event.
  - b. Level II Sanctions: Any sanction greater than a Warning and/or Limited Reformatory Sanction(s) may also impact a responding student’s ability to participate in University programs, study away and University scholarships.
    - i. *Disciplinary Probation* - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulations(s) or provisions of the Code during the probationary period. Probation may be combined with alternative sanctions.
    - ii. *Loss of Privileges*—Denial of specified privileges for a designated period of time, including but not limited to, participation in University athletics, membership in recognized student organizations, and use of specified University facilities.
      - (a) Banned from Entry—Prohibited presence in specific buildings or group of buildings on campus (including University housing) for a definite period of time. Time period must be specified.
      - (b) Prohibition Against Personal Contact—Prohibited contact or presence near a specific person for a definite period of time. Time period must be specified.
    - iii. *Fines*—Previously established and published fines may be imposed.
    - iv. *Restitution*—Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement
    - v. *Reformatory Sanctions*—Under the supervision of the Director, a respondent may be required to participate in reformatory sanctions, including, but not limited to, writing reflection papers;

- participating in ethics, anger management, or alcohol/drug awareness classes; service to the University, or other related discretionary assignments.
- vi. *Reflection/Education Program (REP)* - Program gives respondents an opportunity to remain in University housing during their designated eviction period, under guidelines developed by the Director
- c. Level III Sanctions:
- i. In order to consider imposing one of the following sanctions, the Hearing Panel shall find that one or more of the following conditions is present:
    - (a) Misconduct that caused physical harm to others.
    - (b) Misconduct that jeopardized the safety and/or well-being of others.
    - (c) Misconduct that caused an adverse impact to the residential or University community.
    - (d) Misconduct that caused serious damage to University property or to the property of others.
    - (e) Misconduct that violates conditions of probation or indicates repeated violations.
    - (f) Misconduct that harms others because of their particular race, color, religion, sex, age, national origin, sexual orientation, gender identity or expression, disability, veteran status, or marital status.
    - (g) Misconduct that involves hosting a gathering where prohibited drinking has occurred/common sources.
    - (h) Misconduct that is a violation of the University drug policy.
  - ii. Eviction from University housing—Separation of the respondent from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - iii. Expulsion from University housing—Permanent separation of the respondent from the residence halls.
  - iv. University Suspension—Separation of the respondent from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students are banned from campus for the duration of their suspension. Readmission to the University requires application and acceptance through the Office of Admissions. A respondent ineligible to register for or attend classes at any one USNH institution because of suspension entered upon a finding(s) of responsibility for violation(s) of the institution's Student Code of Conduct shall be ineligible to register for or attend classes at any other USNH institution during the entire period of suspension. Students on suspension for any reason will not earn transfer credit for courses taken while on suspension for the first full semester of their suspension. The Director in collaboration with the Registrar, will authorize the conferral of degree at the end of a period of suspension upon students who have completed their coursework and would graduate during a period of suspension.
  - v. University Dismissal—Permanent separation of the respondent from the University. Students may conduct administrative business on campus with prior notice to University Police. A respondent ineligible to register for or attend classes at any one USNH institution because of permanent dismissal entered upon a finding(s) of responsibility for violation(s) of the institution's student code of conduct shall be ineligible to register for or attend classes at any other USNH institution for a period of two (2) years following the date on which the student was permanently dismissed.
6. More than one of the sanctions listed above may be imposed for any single violation. Lower level sanctions may be imposed for violations where higher-level sanctions are also available. Higher-level sanctions may not be imposed for violations where they are not available under the sanction guidelines.
  7. The minimum sanction for those found responsible for sexual misconduct that includes either sexual contact or sexual penetration is presumed to be suspension for one year or longer, consistent with community safety, the safety of the impacted student, and the ability of the impacted student to progress toward degree, when any one or more of the following aggravating factors are found:
    - a. Sexual contact or penetration when another person is incapacitated due to mental/physical disability and/ or substance ingestion.
    - b. Force, violence, threat, coercion or a weapon was used against the survivor/victim of the assault before during or after sexual contact or penetration.
    - c. The respondent has been found responsible for committing any previous instance of sexual misconduct by contact or penetration, whether or not it was committed against the same survivor/victim and whether or not the previous instance was at the University, another institution of secondary or post-secondary education or by a court.
    - d. The complainant provides notice in the Report of Violation and the evidence at the hearing demonstrates by a preponderance of the evidence that the circumstances of the misconduct establish that community safety requires suspension.
  8. When a respondent has been found responsible for a violation of the Code and the Hearing Panel finds by a preponderance of the evidence facts demonstrating that the respondent has directed the offending behavior towards any person because of that person's actual or perceived race, color, religion, sex, age, national origin, sexual orientation, gender identity or expression, disability, veteran status, or marital status, the Hearing Panel may impose enhanced sanctions.
  9. Collateral consequences of a record of conduct sanction may include, but are not limited to, ineligibility to study abroad, participate in intercollegiate athletics, participate in University employment or programs and loss of scholarships.
  10. If any respondent fails to comply with any final sanction imposed under this Code, the respondent may be further sanctioned with the University upon notice, and proof by a preponderance of the evidence that the respondent did not comply with the sanction. A hearing is required in cases where a student is facing a Level III sanction under this subparagraph.
- F. Appeal**
1. The respondent or the complainant(s) may appeal a final Hearing Decision by submitting a Request for Appeal electronically within two (2) business days of receiving the final Hearing Decision.
  2. Basis for Appeal: The Request for Appeal must state the basis for the appeal. Appeals are only permitted to proceed under the following bases:
    - a. Procedural Error: The original hearing was not conducted in conformity with the procedures contained in this Code.
    - b. Sufficiency of Evidence: The findings in the Hearing Decision were not established by a preponderance of the evidence.
    - c. Sanction: Subject to the limitations in section IV.B above, the sanction(s) imposed in the final Hearing Decision was disproportionate with the violation. The Appellate Officer shall not increase the sanction(s) imposed by a Hearing Panel or Hearing Officer, unless no sanction was imposed.
    - d. Newly Available Evidence: There is new evidence, sufficient to alter a decision, provided, however, that the evidence was not known nor available to the person appealing at the time of the original hearing

- e. Legal error: There was bias, conflict of interest or other legal error in the investigative or adjudicative process that a court would likely recognize as requiring a new hearing.
3. Appeal Decision: The Appellate Officer shall consider the written evidence and the verbatim record of the hearing and any new evidence submitted to support a claim of newly available evidence. The Appellate Officer shall determine whether there is clear and convincing evidence to overturn the original finding(s) and/or sanction(s). The Appellate Officer shall prepare an Appeal Decision for the purpose of recording a decision and may provide a concise statement of the basis for the determination that the review standard is met or not.
- If the Appellate Officer finds that there was a procedural error under Art. IV.F.2, a legal error under Art. IV.F.2.e or newly available evidence under Art. IV.F.2.d, the case shall be remanded to the original Hearing Panel to reopen the hearing.
  - If the Appellate Officer finds that the sanction was not appropriate under Art. IV.F.2.c, the Appellate Officer shall order the appropriate sanction, applying the standard found in section IV.D.
  - If the Appellate Officer finds insufficient evidence to support a finding of responsibility or finds sufficient evidence to overturn a finding of no responsibility, the Appellate Officer shall make the appropriate determination and, as applicable, impose a proper sanction, applying the standard found in section IV.D.
4. If a respondent is not found responsible for a violation of the Code, and the finding is upheld by the Appellate Officer, the respondent may not be charged again for the same violation arising from the same incident unless there is new evidence. The University or appropriate administrators, however, may address climate issues arising from the case.
- The right to legal counsel if criminal charges are pending or likely, subject to the rules in this Code prescribing the scope of attorneys' involvement in hearings.
2. Fair treatment: Responding students and responding organizations are members of the University community and have the right to be treated with courtesy and respect by complainants, members of Hearing Panels, Appellate Officers and members of Community Standards.
3. Complainant's Rights. The person reporting a violation of University rules has the following rights:
- A hearing under the circumstances described in this Code, if the Report of Violation is contested or is not resolved by the processes provided in the Code.
  - At least three (3) calendar days' notice of the time and place of a formal hearing in order to prepare for that hearing.
  - The advice of an advisor chosen from the pool of trained student advisors in preparing for a hearing when the complainant is a student.
  - The opportunity to appeal under the circumstances described in this Code.
  - Notice of results of formal hearings and reviews.
  - Fair treatment: Complainants are members of the University community and have the right to be treated with courtesy and respect by responding students, responding organizations, members of Hearing Panels, Appellate Officers and members of Community Standards.

### **B. Organizations:**

1. Members of a recognized student organization may be charged as an organization and/or individually with violation(s) of the Student Code of Conduct. Factors that may lead to an organization being charged include:
- One or more officers or authorized representatives acting in the scope of their capacities, commit the violation.
  - One or more members commit the violation after the action that constitutes the violation was approved by a vote of the organization or was part of a committee assignment of the organization.
  - The violation is committed at an activity funded by the organization.
  - The violation occurs as a result of an event sponsored by the organization.
  - One or more members of an organization or its officers permit, encourage, aid or assist in committing a violation.
  - Members of an organization fail to report to appropriate University authorities' knowledge or information about a violation.
2. Organization conduct processes are managed by the staff or governing bodies that oversee the organizations following their own internal protocols or bylaws.
- Alleged violations by Fraternities will be managed by the University's Interfraternity Council
  - Alleged violations by Sororities will be managed by the University's Panhellenic Council
  - Alleged violations by sport clubs will be managed by the Assistant Director of Sport Clubs, Intramural Sports, Outdoor Adventures, and Special Events
  - Alleged violations by all other student organizations will be managed by the Director of the Memorial Union Building and Student Activities
3. The Office of Community Standards may manage organization conduct processes following the resolution processes described in the Code of Conduct for students. Factors that would typically lead to the Office of Community Standards managing an organization conduct process include:

## **Article V: Special Provisions**

### **A. Rights in the Conduct Process**

1. Respondents' and Organizations' Rights: Students and organizations who are charged with alleged violations of any University rules on a Report of Violation have the following rights:
- Fair notice of charges, including time and place of the alleged violation so that the respondent or organization understands the charges.
  - At least three (3) calendar days' notice before a contested hearing and the time and place of the hearing.
  - Knowledge of the name(s) of the complainant(s).
  - A hearing, under the circumstances described in this Code, if the situation is not otherwise resolved at the preliminary meeting.
  - The opportunity to have the assistance of a trained student advisor in preparing for a hearing and during a hearing as defined by conduct system policies.
  - The opportunity to appeal a decision of a Hearing Panel as described in this Code.
  - Notice of the results of hearings and reviews.
  - Resolution of conduct charges in accordance with this Code and principles of Due Process.
  - To be assumed not responsible until a complainant has demonstrated, by a preponderance of the evidence, that the respondent violated the Code.
  - Right to remain silent: A student or student organization against whom a Report of Violation has been made may choose not to testify at a hearing. This choice shall neither preclude the right to present witnesses and evidence, nor shall it be treated as an admission of responsibility.

- a. The alleged violation is hazing or sexual misconduct
  - b. The possible sanctions include organization suspension or organization dismissal
4. In addition to the sanctions described above in Section E, possible sanctions for organizations include:
- a. Those sanctions listed above in Article IV.E.6, subsections a.i, b.ii, b.iii, b.iv and b.5.
  - b. Organizational Probation - a written reprimand for violation of specific regulations. Specific terms of the probation may include loss of privileges, or other alternative sanctions as described in Article IV.E.6.b.i. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the responding organization is found to be violating any institutional regulation(s) during the probationary period.
  - c. Organization Suspension - loss of privileges which may include loss of University recognition of the responding organization, for a specific period of time. Organization Suspension may also include alternative sanctions which are imposed for the purpose of assisting the responding organization in bettering itself, and with expectation that the organization completes these sanctions by the imposed timeliness, regardless of University recognition status, as a factual basis for restoring recognition.
  - d. Organization Dismissal - permanent loss of all privileges including University recognition.

### **C. Records**

1. Disciplinary sanctions shall become part of Community Standards' confidential student disciplinary record. Records regarding students are subject to access under the Family Educational Rights and Privacy Act. Records regarding student organizations are subject to disclosure subject to the redaction of information to protect the privacy of individual students.
2. Records regarding students shall be retained.
  - a. Cases involving the imposition of sanctions other than expulsion from University housing, University suspension or University dismissal shall be expunged from the responding student's student disciplinary record three years after final disposition of the case.
  - b. Cases of housing expulsion and University suspension shall be expunged from the student's confidential record five years after the final disposition of the case.
  - c. Cases of dismissal will be held permanently.
3. Records regarding student organizations shall be retained for ten (10) years and then expunged.

### **D. Procedures for Responding to Sexual Violence, Sexual Harassment and Related Offenses**

1. Scope: these procedures shall apply to reports of violations of this Code by a student, where the reported violation states a colorable claim of sexual harassment, sexual misconduct, unwanted sexual contact, stalking or relationship abuse.
2. Protocols: The Director will establish public protocols to guide Community Standards as it implements these procedures. The protocols will include rules of decorum and rules of evidence for hearings.
3. Report and Disclosure: Any member of the University community and any person may report or disclose incidents of sexual violence to a student at any time in person, by mail, by telephone, or by electronic mail. The report or disclosure may be made to Community Standards or to the Title IX Coordinator. Community Standards shall convey a copy of any report or disclosure that it receives directly to the Title IX Coordinator.
4. Outreach: When Community Standards receives a report or disclosure

of sexual violence to a student it will offer information to the student about the student's rights to make a formal complaint for a violation of the Code, to initiate other proceedings, to receive supportive services and to participate in an intake.

5. Intake: a member of the Community Standards' staff shall conduct an interview of the student reporting a Title IX violation to determine if the student chooses to make a formal complaint and to offer University support services.
  - a. When a person reporting a Title IX violation has previously provided a general outline of the violation to another office or agency subject to a right of confidentiality, the person may consent to the release of the earlier statement to Community Standards.
  - b. Notifications: When Community Standards conducts an intake, it shall notify the UNH Title IX Coordinator, the Dean of Students, other administrators, and UNH police as required or authorized.
6. Formal complaint: The formal complaint is a document filed and signed by the complainant (physical or digital signature, or signed by Title IX Coordinator) alleging sexual harassment against a respondent and requests the institution investigate the allegations of sexual harassment.
  - a. Resolution of formal complaint: The process to resolve the formal complaint will begin upon receipt of a formal complaint and conclude upon the issuance of a written determination of the alleged misconduct. This process will be completed as soon as practicable but no more than 180 days after the receipt of a formal complaint. Deviations from this time frame will be made on a case-by-case basis and supported by good cause. Parties will be notified in writing regarding the length of time and justification for any such delays.
  - b. A copy of the formal complaint will be forwarded to the Title IX Coordinator.
  - c. Review of formal complaint: the Title IX coordinator will review the formal complaint to determine whether the conduct alleged would constitute sexual harassment as defined in 34 C.F.R. §106.30. If the alleged conduct meets those requirements, it shall be processed as provided in Art. V.D of this Code. If the conduct does not constitute sexual harassment under that regulation, but otherwise alleges unwanted sexual contact, sexual misconduct or sexual harassment under this Code the complaint will be processed as provided in Art. V.D of this Code.
  - d. The Title IX Coordinator will notify the complainant of the results of the review. Either party may appeal the finding that the conduct alleged does not meet the requirements of 34 C.F.R §104.30
7. Appointment of Independent Investigator and University complainant: after completing the intake, the Director will appoint an independent investigator and notify the Title IX Coordinator and the Dean of Students.
8. Notice of allegations and complaint: the Director will send a notice of allegations and the formal complaint to the complainant and to the responding student(s). The notice to both parties will state that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing process, notice of their right to an advisor of choice, a summary of available resources, the contact information for the Title IX Coordinator, a link to this Code and a caution against retaliation.
9. Investigation: The independent investigator shall work under the direction of the Director to complete a thorough, prompt and fair investigation.
  - a. The Director and investigator shall provide status reports to the Title IX Coordinator and Dean of Students periodically and upon request.
  - b. In cases where there is/are parallel criminal and administrative investigations the Director and investigator shall cooperate with law enforcement to preserve the integrity of both investigations while striving to complete a prompt, thorough and fair investigation of the matter.

10. Amnesty: Students who participate in an investigation related to a report of sexual violence generally are not subject to a conduct complaint for lesser drug, alcohol, or COVID-19 violations immediately before and during the incident giving rise to the report, unless the lesser violation is directly related to the facilitation of the offense. Students may be held responsible for subsequent conduct violations of any nature. If students are involved in repeated violations or more serious violations, they may be subject to a conduct complaint.

11. Investigative Report: The investigator shall prepare a written report of the investigation that fairly summarizes relevant evidence.

- a. The report shall summarize the agreed upon and disputed facts.
- b. The investigator shall provide an initial draft of the report to the Director, who shall review the report for thoroughness and fairness. This draft shall be treated as a confidential document, subject to the governmental decision maker and other available legal privileges.
- c. The Director shall provide a comment draft of the report to both the reporting and responding persons, and at the same time provide both parties with access to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, providing them both with ten days to submit a written response containing suggestions to make the report more accurate. The investigator shall consider the written response(s) but is not required to accept any proposed change from either party.
- d. The investigator shall prepare a final investigative report and submit it to the Director. The Director shall convey the final report to the parties, their advisors, the Title IX Coordinator and the Dean of Students..

12. Report of Violation: The Director shall assist the complainant to prepare a report of violation to be used to guide the parties to prepare for the hearing and to assist the hearing panel to understand the evidence presented at the hearing.

- a. The Report of Violation shall provide fair notice of the alleged facts and shall specify the provisions of this Code that are alleged to have been violated.
- b. The Report of Violation, together with a copy of the final investigative report, shall be conveyed to the respondent at least 10 days before the hearing and to the hearing panel members at least 2 days before the hearing..
- c. The Report of Violation will state that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the hearing process.
- d. Limitations period: Individuals are encouraged to report sexual harassment, sexual misconduct, relationship abuse, or stalking as soon as possible after the incident occurs to maximize the University's ability to respond promptly and effectively. Prompt reporting allows the University to obtain the most reliable information, be able to contact relevant witnesses (if any), and provide reasonable assistance and interim measures for affected parties. The University does not limit the time for reporting these incidents or filing a Report of Violation, however, and in all cases, a decision will be made on existing facts to determine if an investigation and conduct proceedings are necessary to comply with the law and to serve the University community.

13. Informal resolution: the parties may request that the University facilitate informal resolution processes, such as mediation or restorative justice, after giving informed, written consent. Informal resolution may present a way to resolve sexual harassment allegations in a less adversarial manner than the investigation and adjudication procedures contained in Art. VI.D. Informal resolution may only be requested after a formal complaint has been filed, so that the parties understand what the grievance process entails

and can decide whether to voluntarily attempt informal resolution as an alternative.

14. Hearing:

- a. The Director shall assign an advisor to both parties. Each advisor shall be aligned with one party and responsible for advising that party on preparing for the hearing, reviewing evidence and conducting cross examination.
- b. The parties will have the right to inspect and review evidence collected during the investigation in advance of the hearing.
- c. The hearing panel will consist of three persons free of conflicts of interest and who have been trained in their responsibilities under the law and under this Code.
- d. The hearing panel will have an advisor to assist it to rule on the admissibility of evidence.

15. Adjustments in the Hearing Process: Proceedings on Reports of Violation involving sexual violence shall be processed as provided for other reports of violation under this Code, subject to the following adjustments:

- a. The complainant and the respondent have a right to have a support person and an advisor of choice present at any meeting or hearing. Neither party is required to request permission for the presence of an advisor or support person. Advisors may conduct cross examination, but support persons may not represent or speak on behalf of either party in any meeting or proceeding. Advisors and support persons will be subject to rules of decorum adopted by the Director.
- b. The hearing panel, complainant and respondent have a right to have legal counsel present at any meeting or hearing. Legal counsel shall provide the Director 24 hour's notice that counsel will be present at any hearing or meeting. Legal counsel shall abide by the rules of decorum at every meeting or hearing and shall not disrupt any meeting or hearing.
- c. The Director and the Hearing Panel shall assure that the complainant and respondent have the opportunity to present witnesses and argument, either in writing or in person as required, to reach a fair and accurate determination of the matter.
- d. The Director or designee may conduct preliminary meetings separately with the complainant and respondent. The Director or designee may permit or require the parties to be in separate rooms or behind a screen during the hearing itself, provided, however, that the respondent's right of confrontation shall be given appropriate weight and protection in fashioning protections for the complainant.

### ***E. Interim Restrictions***

1. Prior to a hearing before a Hearing Panel or other body, the Director may impose interim restrictions that can include limiting or denying access to University housing, to the campus, to classes, or to any other University activities or privileges. Examples include University suspension, eviction from University housing, restriction of access to University events or facilities, and no-contact orders to prevent interaction between students. Interim restrictions for organizations may include ceasing all activities, meetings, and/or events.

2. Interim restrictions are not intended to be punitive and may be imposed only if there is credible evidence to support the allegations against the student, the alleged conduct is sufficiently serious to warrant the restrictions, and the restrictions are reasonably necessary to:

- a. Protect the physical or emotional safety and well-being of members of the University community (including reporting students or respondents);

- b. Preserve University or private property;
  - c. Protect the University community from a substantial risk of disruption to or interference with the normal operations of the University.
3. Whether alleged conduct is sufficiently serious to warrant a particular restriction depends on several factors, including the following:
- a. the likelihood that harm will occur;
  - b. the severity of the potential harm;
  - c. the severity of the restriction on the student;
  - d. whether there is particularly strong evidence to support the allegations.
4. Interim restrictions are effective immediately, with no prior notice to the student.
5. At the time of imposing the interim restrictions, the Director will address, as needed, the student's immediate needs for shelter and safety.
6. The University will provide the student, in person or electronically, a written notice containing (1) a description of each restriction; (2) a summary of the facts on which the restrictions are based; (3) the rationale for imposing the restrictions.
7. The student has the right to meet with the Director in person or by phone, within 24-48 hours of receiving the written notice. The student may request that the restrictions be eliminated or modified and may provide information and evidence to support the request. The Director will review the request and the information provided, will determine whether to eliminate or modify any/all of the restrictions, and will provide the student with a written decision.
8. If the student still disagrees with the interim restrictions after receiving the decision of the Director, the student may appeal to an Appellate Officer.
- a. The student has the right to meet with an Appellate Officer as soon as practicable, but within 5 business days of making the request.
  - b. The appeal request should be in writing and must be delivered to Community Standards or the Director in person or by email.
  - c. The Appellate Officer may eliminate or modify any restriction only if they determine that:
    - i. It would be clear and convincing to a reasonable person that there is not credible evidence to support the restriction;
    - ii. It would be clear and convincing to a reasonable person that the alleged conduct is not sufficiently serious to warrant the restriction;
    - iii. It would be clear and convincing to a reasonable person that the restriction is not needed to protect the physical and emotional safety and well-being of members of the University community, to protect University or personal property, or to protect the University community from a substantial risk of disruption to or interference with the normal operations of the University community.
9. A student has the right, every 10 days, to request that the Director modify or eliminate the restrictions, and the student also has a right to appeal the Director's decision.
10. A student suspended on an interim basis shall have a right to pro rata refund of tuition and fees paid, on the same basis as a student who has withdrawn, for the duration of the suspension.
11. The Director will notify the Associate Dean of the student's College in the event an interim restriction limits the student's ability to satisfy academic requirements.

### F. Three Strikes Policy

1. Purpose: This rule is intended to provide an effective intervention for

students whose pattern of rule violation (academic, conduct, administrative and/or criminal) disrupts their academic progress, impedes their social development or disrupts their community. It is intended to support those students by providing time away from the University followed by resumption of their academic course of study provided they are able to be of good behavior during the period they are away.

2. Strikes: A strike is (1) a conduct violation that resulted in at least probation; (2) a violation of the Academic Honesty policy; (3) an arrest; or (4) a criminal charge or conviction.
- a. Exceptions. If a student is arrested but the student was found not guilty or the charges were withdrawn or dismissed, the arrest is not a strike, *unless* the University can prove that the student actually committed a criminal offense.
  - b. Not Exceptions. An arrest still counts as a strike *even if* (1) the case is placed on file; (2) the student qualifies for a diversion; or (3) the student pleads "nolo contendere."
3. Violation. A student with three strikes (for separate incidents) in four calendar years has violated this rule. Each strike after the third strike is another, separate violation of this rule.
4. Enforcement. The Academic Standards and Advising Committee (ASAC) has the exclusive authority to determine whether or not to enforce this rule against a student and whether or not to designate a University complainant to pursue a formal conduct charge.
5. Sanctions. A student found responsible for a three strikes violation will be suspended for a minimum of one semester and will be placed on probation through graduation. The violation will appear on the student's conduct record as a suspension for a three strikes violation.
6. Option of Voluntary Withdrawal. ASAC will review the record of all students who have three strikes and may decide to offer a student the option of a voluntary withdrawal. If a student accepts a voluntary withdrawal:
- a. The three strikes violation will not appear on the student's conduct record.
  - b. The student's time away from the University will not be considered a suspension.
  - c. The student will not be eligible to transfer credits for courses taken during the time away from the University
  - d. The student will be placed on probation through graduation.
  - e. The student may be subject to other conditions that ASAC determines to be appropriate.
7. Accepting an Offer of Voluntary Withdrawal. A student who is offered the option of a voluntary withdrawal will meet with a University official who will review the rule with the student, explain the conditions of the voluntary withdrawal option, and provide the student with 24 hours to decide whether to accept the offer. If the student does not accept the offer, the case will proceed through the University conduct system.
8. Notice of Strikes. When a strike occurs, the University will provide the student an oral or written reminder of the three strikes rule.
9. Refund of tuition and fees. For purposes of calculating refunds of tuition and fees, students who are found responsible after a hearing will be treated as having withdrawn on the date of the hearing. Students who accept an offer of voluntary withdrawal will be treated as having withdrawn on the date the last strike occurred.
10. Readmission. Students who accept a voluntary withdrawal or are found responsible for violating this rule may apply for readmission to the University, subject to approval by the academic dean.

### G. Medical Amnesty

In cases of a drug or alcohol emergency, the primary concern is the health

and safety of the individuals involved. Students are strongly encouraged to call for medical assistance for themselves or for another student who they observe to be or feel is dangerously intoxicated/under the influence of alcohol or drugs. If a student calls on behalf of another student, that student is required to remain with the student experiencing the emergency until medical assistance arrives.

1. Alcohol related incidents.

a. Eligibility to apply for Medical Amnesty.

- i. Medical Amnesty for a student who requests assistance for another student. A student who requests assistance from a UNH staff member or emergency personnel on behalf of another student who is in need of medical attention as a result of the consumption of alcohol is eligible to apply for Medical Amnesty. The student who requests assistance for another student is eligible even if that student has received Medical Amnesty, for any reason, in the past.
- ii. Medical Amnesty for the student in need of medical attention. A student is eligible for amnesty – one time only – under the following circumstances:
  - the student was in need of medical attention as a result of the consumption of alcohol; and
  - the student, or another student acting on their behalf, requested assistance from a UNH staff member or emergency personnel.
- iii. Recognized UNH student organizations are not eligible for Medical Amnesty.

b. Requesting Amnesty.

- i. A student who is charged with a conduct violation and wishes to request Medical Amnesty must submit a request for amnesty to Community Standards within 2 business days after:
  - the student has accepted responsibility for the conduct charge and notified the University; or
  - the student has received notification from the University that the student has been found responsible for the conduct charge.
- ii. The student must provide proof that medical attention was requested.

c. Decision whether to grant Medical Amnesty. Community Standards will determine whether an eligible student qualifies for Medical Amnesty. Community Standards may, in its sole discretion, deny amnesty when a student has a prior alcohol related violation/arrest, when a student was on probation at the time of the incident, or when a student's prior conduct and/or the circumstances surrounding the incident indicate that granting amnesty would be contrary to the purpose of this rule.

d. Terms of Amnesty.

- i. Amnesty applies only to the following alcohol related violations:
  - alcohol use and possession (Rule 14a);
  - public intoxication (Rule 14b);
  - excessive consumption of alcohol (Rule 14b);
  - under the influence of alcohol resulting in injury or illness (Rule 14h).
- ii. The student must complete, at the student's own expense, an approved alcohol education program and provide notification of completion to Community Standards within 6 months.
- iii. Pending completion of the alcohol education program, the student will be considered "not responsible" for the conduct violation. If the student does not complete the program and notify Community Standards within the 6 month time period, the student's initial acceptance/finding of responsibility will take effect

and the student will be found responsible for the violation.

- e. Notification of parents or legal guardians. This amnesty policy does not change the University's policy of notifying parents and legal guardians. This amnesty policy does not change the University's policy of notifying parents and legal guardians of the student's arrest by police or alcohol related conduct charge as per normal process allowed under FERPA (Family Educational Rights and Privacy Act).

2. Drug related incidents.

Students who request medical assistance for another person who is reasonably perceived to be dangerously under the influence of drugs will be exempt from student conduct charges for the use or possession of drugs or for the possession of drug paraphernalia, if the evidence for the charge was gained as a direct result of the request for medical assistance. If a student believes they qualify for amnesty for a drug related incident and finds that they have been charged with a conduct violation, the student may contact Community Standards to request amnesty. Upon providing Community Standards with sufficient evidence that they qualify for amnesty, the student will be found not responsible for the charge. Students granted amnesty in a drug related incident are not required to complete an alcohol/drug education program. They are, however, required to meet with the Dean of Students or their designee to discuss the incident.

### ***H. Conflict of Interest***

1. Community Standards is required by law and committed by its mission to provide fair, thorough and accurate resolution of reports of violations of this Code. In fulfilling those duties, the Director and staff of Community Standards shall assist investigators, complainants, co-complainants, respondents, Hearing Panels and Appellate Officers by advising them on the processes and rights under this Code.
2. The Director and staff Community Standards shall not impair the independence of Hearing Panels and Appellate Officers and, though they may provide procedural advice at all times, shall use their best efforts to avoid acting in dual roles in the same conduct case.
3. Members of Hearing Panels and Appellate Officers shall not serve on cases for students who are currently in courses that they teach, whom they advise, who are on teams that they coach, who are employed in the same department or unit or when they determine that they have a personal, economic or legal conflict with any party to a conduct matter.

### ***I. Interpretation and Revision***

1. Any question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students or their designee for final determination.
2. The Student Code of Conduct shall be reviewed annually by the Dean of Students and the Director of Community Standards in consultation with faculty, University officials, and student representatives as designated by the Student Senate.





# Alcohol, Tobacco, and Other Drug Policies

## UNH Alcohol Policy

The University is committed to establishing and maintaining an environment that fosters mutually beneficial interpersonal relations and a shared responsibility for the welfare and safety of others. Because alcohol can have a significant effect on that environment, the University has adopted this policy for governing alcohol use by students, staff, faculty, visitors, and guests. The focus of University alcohol policy is to comply with local ordinances, state laws and federal laws that protect the health and welfare of individuals and the community. The possession, consumption and transportation of alcohol by persons under the age of twenty-one is illegal in New Hampshire. While University policy permits responsible consumption of alcohol at some places and times, the consumption of alcohol should never be the primary purpose or focus of an event and should always comply with applicable law. Alcohol-free social events are encouraged.

## Commitment to Helping

The University of New Hampshire believes that most individuals can use alcohol in low-risk ways without any increased harm or negative consequences to themselves or others. However, the University also recognizes that some individuals will use alcohol in high-risk way which can negatively impact themselves and/or their community. A problem exists when one's use of alcohol causes physical or emotional harm, impairs one's judgment, infringes upon the rights of others, or interferes with one's work, relationships, or daily life. The University regards alcohol problems as it does other behavioral/medical ones and does not attach a moral or social stigma to such personal difficulties. The University provides substantial support for persons treating alcohol problems. Persons with such problems, however, will be held fully responsible for their behaviors that violate University regulations or state or local laws.

## Marijuana and Illegal Drugs

The use of illegal drugs is prohibited by law. The legal status of marijuana is changing in many states and in other parts of New Hampshire, but the University of New Hampshire prohibits the possession and use of marijuana and other illegal drugs.

## Using the SRRR to Understand Your Rights, Obligations and Interests

This handbook contains information that will be useful to students, parents and staff under various circumstances. This chapter contains:

1. Information about hosting official events.
2. Information for students about the University's communication with their parents about alcohol and drug violations.
3. Alcohol policies in University housing.
4. The social event policy for fraternities and sororities.
5. The University Tobacco policy.

The chapter containing the Student Code of Conduct and Conduct Process contains important information about specific conduct violations and sanctions.

The chapter called The University and Federal, State, and Local Laws contains an entire section devoted to alcohol and illegal drugs that contains important information about health risks and sources of support for persons with alcohol problems.

## Service of Alcoholic Beverages at University Events

1. A request for approval to serve alcoholic beverages form must be submitted to Conferences and Catering for each function being planned where alcohol, beer or wine will be served. This form must be submitted 30 days prior to the event. All bar service must be provided by Conferences and Catering, as holder of the Liquor License. If requests are received with less than 30 days notice, Conferences and Catering has the right to deny approval and service will not be granted.
2. The acquisition, distribution, possession, or consumption of alcohol by members of the UNH community must be in compliance with all local, state, and federal laws.
3. Non-alcoholic beverages must be provided at events where alcoholic beverages are served.
4. Institutional restrictions on alcohol use on UNH property vary by location, and, in some cases, by time.
  - a. **University residence halls and apartment complexes.** Residents of legal drinking age may consume alcohol in their rooms or apartments. Alcohol may not be consumed in common areas such as lounges, hallways, etc.
  - b. **Dining halls.** During periods when dining halls are not open to students and are assigned to workshops or conferences, alcohol may be served and consumed.
  - c. **Field House.** Alcohol may not be consumed in these facilities.
  - d. **Whittemore Center Arena, Wildcat Stadium, Hamel Recreation Center, Memorial Union, and President's Residence.** Alcohol may be served and consumed in compliance with all local, state, and federal laws and facility policies.
  - e. **Academic, administrative, and classroom buildings (any UNH building not included in the previous categories).** Consumption of alcohol is permitted only as part of an approved event, such as a reception for a visiting scholar or a celebration of a special accomplishment. The dean or vice president who is sponsoring the event must give the required approvals.
  - f. **UNH grounds.** Consumption of alcohol is permitted only as part of an approved event. The Director of Conferences and Catering must give the required approval.
5. UNH has an interest in off-premise events held in its name. If alcohol is used illegally or inappropriately at such events, the University may take steps to protect its interests.
6. Any request for variation from this policy must be submitted to Conferences and Catering.
7. This policy will become effective on July 1, 2010.

## Parental Notification in Cases of Alcohol or Other Drug Violations/Arrests

The University may notify parents when their student is charged with a violation of the University's alcohol or other drug policies, including violation of local, state, or federal laws regarding use or possession of alcohol or other drugs that are also violations of institutional policy.

Only parents of financially-dependent students under age 21 will be notified, unless the student's health or safety is jeopardized. (July 2003)

## Residential Alcohol Policy and Regulations (ad/ss)

As members of the University community, students are expected to obey the law and assume full responsibility for the choices they make regarding alcohol use. Students, not the University nor its staff, are accountable for all outcomes related to legal, illegal, and/or irresponsible use of alcohol. Following are specific tenets of the residential alcohol policy.

1. Possession and/or consumption of alcohol is not permitted by anyone under age 21. A legal age drinker may have just one open alcohol container at a time for personal consumption.
2. Possession or consumption of alcohol is permitted only in rooms, suites or apartments where at least one of the assigned residents is at least 21 years old, and only by those of legal age.
3. Alcohol is not permitted in any of the common or public areas of the residence halls or apartment buildings.
4. Providing underage people with alcohol is illegal and, therefore, not permitted.
5. All common sources of alcohol, including but not limited to kegs, punch bowls, beer balls, or excessive amounts of alcohol in bottles or cases, are strictly prohibited in residence halls and apartments. The host(s) of such activity may receive a sanction of eviction or greater.
6. In all circumstances when staff respond to and confront an illegal drinking activity, empty alcohol containers may well be considered an aggravating factor connected with the current illegal activity.
7. A person who is under the influence of alcohol and whose behavior leads to injury or illness may be considered to be in violation of the alcohol policy.

## Fraternity & Sorority Social Policy

**Statement of Purpose:** The Interfraternity Council (IFC) and the College Panhellenic Council (CPH) of the University of New Hampshire (UNH) have established this set of rules to reduce risk for the members and associates of its recognized organizations. The implementation, monitoring, and enforcement of this policy is essential in fostering a safe, positive and respectful environment for the recognized Fraternity and Sorority Community at the University of New Hampshire.

Throughout the course of this document, the terms “fraternity”, “chapter”, and “organization” are used to identify both men’s and women’s Greek Letter organizations. The term “event” is used to identify social event (defined below). The terms “member” refers to under-graduate/graduate student member enrolled full-time at UNH.

The Social Policy of the IFC and CPH of UNH includes the following provisions and shall apply to all fraternity/sorority entities and all levels of fraternity/sorority membership. IFC and CPH do not approve or sponsor social events but must be informed as to their occurrence. IFC and CPH do, however, work closely with the Fraternity & Sorority Life (FSL) Coordinator to administer the registration process established in this policy.

**Social Event:** Any event held on chapter premises, or any situation sponsored or endorsed by the chapter, or any event an observer would associate with the fraternity/sorority where alcohol is present. Social events include, but are not limited to, formal third-party vendor events (“cocktails”), fraternity sponsored/hosted events, and brotherhood/sisterhood events. Please see our resource page for helpful information on determining if your event is a chapter event.

### I. Authority

All recognized organizations of the IFC and CPH at UNH must adhere to this policy unless written documentation is received by the chapter’s respective council at least seven days prior to the event. The chapter’s respective

council must give final approval of such an exception. No exception may violate any local, state, federal laws, and/or National/ University policies.

The monitoring body for each organization is its respective council and the Fraternity & Sorority Life Coordinator.

The sponsoring organization(s) must follow all state and local laws, the IFC/CPH, Social Policy, insurance, National/International regulations, and the UNH Student Rights, Rules and Responsibilities Handbook.

If the sponsoring organization(s) fail(s) to comply with all state and local laws, the IFC/CPH, Social Policy, insurance, National/International regulations, and the UNH Student Rights, Rules and Responsibilities Handbook in the preparation for the function, the IFC President or the CPH President have the authority to cancel the said function prior to its start.

Most (inter)national fraternity organizations have their own policies about social events. The sponsoring organization must follow this policy and applicable policies established by its (inter)national organization. When a provision of this policy conflicts with a provision of a policy established by the sponsoring organization, it must follow whichever provision is stricter.

### II. Responsibility

The sponsoring organization(s) is/are responsible for providing a safe environment for its members and guests. The sponsoring organization(s) must be in compliance with all fire codes and regulations, with particular attention to the maximum occupancy rating of the event as determined by the Durham Fire Department. All assembly permits shall be submitted to the Fraternity and Sorority Life Office with the chapter roster before their first social event is submitted for approval.

### III. Registering a Social Event

A roster from each recognized organization must be submitted within the first two weeks of each new semester to the FSL Coordinator and forwarded to the respective councils, IFC/CPH. The roster must be in the format requested by the FSL Coordinator and include all members’ names, student ID numbers, executive position and executive phone numbers and email addresses. Events may not be registered before these rosters are received.

Social Chairs, Formal Chairs, Risk Managers, and Presidents must schedule a meeting with the FSL Coordinator prior to holding their first social of the year in order to verify all policies and procedures are understood and to maintain the safety of the event. This can be completed by attending the social/risk management training offered each semester prior to chapters being permitted to host social events.

Any recognized organization planning to host an event must inform the FSL Coordinator by 1:00 p.m. on the Tuesday preceding the scheduled event. The respective officers of IFC and CPH will be notified of planning of these events by the FSL Coordinator. The method for notifying these people is to fill out the FSL Social Event Registration Form. This form is located on Wildcat Link under Office of UNH Fraternity and Sorority Life. All events that meet the opening definition of “event” must be registered regardless of the day that event occurs. Events should not occur during times that will interfere with members’ and guests’ academic schedules. Alcohol related events are not to begin before 6:00 p.m., unless otherwise approved by the IFC or CPH Executive board and the Fraternity and Sorority Life coordinator. Events must end by 2:00 am. Guests and alcohol are not permitted to enter a registered social event after 1:30 am. An event may not be hosted by an organization(s) for more than a total of five hours. The exact hours of the registered event must be indicated on the FSL Social Registration form.

When planning co-sponsored social events between a Fraternity and Sorority involving alcohol the chapters should pay close attention to their (inter) national policies for what requirements are expected to be met in regard to paperwork, security and safety.

An accurate guest list must be submitted to the Fraternity and Sorority Life Coordinator via email by noon on the business day prior to the event.

Example: If a social is being held on a Thursday night, the guest list must be turned in on Wednesday at noon.

During the event, each guest that attends shall be marked off by an experienced chapter member. We do not recommend having new members work the door of social events. This list must contain actual members that plan to attend and not just be a chapter roster. The marked guest list should be typed or clearly identifiable must be submitted to the Fraternity & Sorority Life Coordinator by 5 p.m. on the first business day following the event. For suggestions and best practices on building a guest list and tracking attendance please see the resource provided by the Fraternity & Sorority Life Office.

An organization may not sponsor or host more than one social event within a 24 hour period.

No social events may be held with organizations that are not recognized by the University of New Hampshire. No social events may be held during freshmen summer orientation. No social events may be held prior to the first Friday of the week classes begin each semester.

The IFC and CPH strongly recommends the presence of independent security assistance for monitoring of guest behavior, ID verification and overall assistance in risk management. Be sure to refer to the organization's (inter)national headquarters' policy about hiring security.

#### IV. Social Event Rules and Requirements

All social events shall be strictly BYOB (Bring Your Own Beverage). No one under the legal drinking age of 21 should consume or bring alcohol into an event. No one shall be allowed by the sponsoring organization(s) to bring more than six standard drinks (examples include 6, 12 ounce beers, 4, 12 ounce malt beverages, 1 750 ml of wine) Hard Alcohol may only be consumed at Third Party Vendor events when served by a licensed bartender. Please see the IFC/CPH or FLS Coordinator for recommendations on having a successful BYOB Event.

No alcoholic beverages may be purchased through chapter funds nor may the purchase of the same for members or guests be undertaken or coordinated by any member in the name of, or on behalf of, the chapter. No members, collectively or individually, shall purchase for, serve to, or sell alcoholic beverages to any minor (i.e., those under the legal "drinking age"). The purchase or use of bulk quantity of common sources of such alcoholic beverages (i.e. Kegs or cases, punch, lined trash cans, party balls, "brothers' beer", etc.) is prohibited. No chapter may co-sponsor or co-finance a function where alcohol is purchased by any of the host chapters, groups or organizations.

To bring alcohol into a social event, invited guests must produce proper identification, such as a valid driver's license or passport indicating that they are least 21 years of age. These individuals must wear a wrist-band given by the sponsoring organization(s). Wristbands shall be picked up from the Fraternity & Sorority Life Coordinator prior to the event occurring. Wristbands are funded by IFC and CPH. Individuals who are under 21 must also show proof of identification. It is recommended that guests who are under 21 are marked with something that would indicate they should not be drinking, such as "X"s on their hands. In addition, IFC and CPH requires the checking of UNH ID for all guests, and the chapter must identify any non-UNH guest on their list.

Student(s) perceived as being intoxicated will not be permitted to enter the social event.

Under no circumstances may any person(s) who voluntarily or involuntarily leave the premises, be allowed to re-enter the social event, with the exception of residents and members of the sponsoring organization(s).

OPEN PARTIES, meaning those with unrestricted access by non-members of the fraternity, without specific invitation, where alcohol is present, are prohibited. All social events shall be closed functions with invited guests only. All guests shall present proper identification. Only members registered to attend the event shall be allowed to invite guests. Each member registered to attend the social event may invite up to three people and the

sponsoring organization shall not allow the total number of persons attending the social event to go over fire code capacity.

The sponsoring organization(s) is/are responsible for providing sober monitors, proportionate to 10% of the organization's members in attendance. If the event is co-sponsored, each organization shall provide sober monitors proportionate to 10% of their own members in attendance. If the event is a list party and not co-sponsored by another organization, the host organization must provide sober monitors of 10% of the total number of attendees. At least one of the monitors shall be an executive officer of the organization. There shall be at least one monitor (from each organization sponsoring) present at the entrance to the social event throughout the duration of the event. All the names of the monitors must be submitted on the event registration form. All monitors must be accessible throughout the event. All monitors shall be substance-free before, during and after the event (until 9 a.m. the next day).

The sponsoring organization(s) is prohibited from collecting money in association with a social event (i.e. Donations, tickets, raffles, bands).

An adequate amount of food and non-alcoholic beverages, and a sign indicating their location must be available at all functions where alcohol is present. The food and alternative beverages shall be located in an easily accessible area of the event. A supply of food and alternative beverages shall be easily available throughout the duration of the registered event.

Sponsoring organization members are permitted to search backpacks, bags, and parcels. If a guest does not permit such a search, the sponsoring organization or any of its members has the right to deny that guest entrance to the social event.

The possession, sale or use of any ILLEGAL DRUGS or CONTROLLED SUBSTANCES while on chapter premises or during a fraternity event or any event that any observer would associate with the fraternity, is strictly prohibited.

All recruitment activities associated with any chapter will be a DRY function.

No alcohol shall be present at any associate/novice/new member program, activity or ritual of the chapter.

No member shall permit, tolerate, encourage, or participate in "drinking games".

Approved registered social events must be contained inside the facility except as provided in this policy; unregistered social events or parties with anyone under 21 years of age on lawns associated with a chapter house are prohibited. All events that violate state law, local ordinances or are reasonably perceived by a guest, neighbor, passer-by, or University official as an unregistered social event are prohibited.

**A sponsoring organization may register an "outdoor social event" on the grounds of a chapter house on the following conditions:**

- The sponsoring organization, its alumni, its (inter)national organization own the chapter house and land where the outdoor social event will be held. No part of an outdoor social event may occur on public property.
- The sponsoring organization shall obtain and strictly adhere to the conditions of assembly permits. The sponsoring organization shall abide by all town ordinances, state laws, applicable University policies, chapter rules and (inter)national organization policies. In cases where policies conflict with relevant law, the sponsoring organization shall comply with the stricter policy or law.
  - Example: a fraternity in which the property is deemed "dry" by the landlord will not be approved to register an outdoor social event that includes the consumption of alcohol.
  - Example: A national organization requires that member chapters be "dry;" the UNH chapter of that organization will not be allowed

to register an outdoor social event that includes the consumption of alcohol.

- Drinking by persons under the age of 21 on the grounds or chapter house of the sponsoring organization are strictly prohibited. The consumption of illegal substances, including marijuana, by any person at an outdoor social event is strictly prohibited.
- The sponsoring organization shall permit only beer, wine and wine coolers to be consumed at an outdoor social event and shall assure that national/international standards and best practices regarding moderation are followed.
- All outdoor social events shall be registered with the FSL Coordinator and applications to register a outdoor social event shall be reviewed by both the FSL Coordinator and respective councils IFC/CPH, before being permitted.
  - Attendance at an outdoor social event shall be confined to members of the individual organization who are at or above 21 years of age.
  - The FSL coordinator, CPH and IFC will not tolerate any exceptions for late document submissions related to outdoor social events. An accurate guest list of 21+ members to be in attendance at the outdoor social event must be submitted to the FSL Coordinator as required by the social event guidelines above. The guest list shall be submitted by the sponsoring organization on or before 1 PM the Tuesday prior to the event.
  - Outdoor social events shall be properly sectioned off with appropriate barriers to entry and require a designated point of entry which is to have a sober monitor to prevent nonmembers from attending the outdoor social event.
  - It is highly encouraged that the sponsoring organization hire a private security company or police officer to work the “entrance” to an outdoor social event.
  - Requests to register outdoor social events may be submitted by chapters only for hosting outdoor events such as, but not limited to, upperclassmen barbecues, senior send-offs and alumni networking events.
  - A maximum of two outdoor social events per semester will be allowed per chapter that is able to host an outdoor social event.
- No unregistered and/or unapproved outdoor social event will be tolerated. The reasonable perception that an outdoor social event includes the consumption of alcohol shall be grounds for IFC/CPH discipline.
  - Example: Persons attending a registered (indoor) social event congregate on the lawn, holding plastic cup; police are called to respond to a noise complaint and observe a number of persons on the grounds of the sponsoring organization holding plastic cups, exhibiting behaviors consistent with intoxication, and the police report is provided to IFC/CPH. The chapter may be found to have violated the outdoor social event policy, regardless of whether the police issued any citation or criminal complaint.
  - Example: a passerby or neighbor reports to police that drunk persons are playing soccer in the street in front of a UNH chapter. When police arrive to respond to the report, the officers observe that a group of apparently intoxicated people are playing soccer on the grounds of the chapter. The chapter may be found to have violated the outdoor social event policy, regardless of whether the police issued any citation or criminal complaint for obstructing traffic.
  - Example: a UNH employee is driving past a UNH fraternity and notices a group of persons of mixed ages drinking beer, eating and socializing on the grounds of the chapter. The employee

reports the observations to IFC/CPH. The chapter may be found to have violated the outdoor social event policy if the report of the UNH employee is found to be credible.

- Example: An IFC member sees a group of persons on the grounds of a building that is rented to fraternity members and to non-fraternity members. The landlord does not prohibit the consumption of alcoholic beverages on the grounds of the building. The IFC member, however, notes that several of the persons consuming alcohol are members of a fraternity “colony” that is headquartered in that building. The colony may be found to have violated the outdoor social event policy, regardless of the landlord’s permission to drink on the grounds of the building if the IFC/CPH find that the report that more than one member of the colony attended the event.
- All sponsoring organizations holding a registered outdoor social event must provide inconspicuous (and preferably environmentally friendly) cups or containers for storing alcohol.
- Any chapter reported to have violated this policy will be sent to their respective council J-Board/ Standards Boards and possibly a follow up hearing with Community Standards.

## V. Third-Party Vendors

Third-party vendors must be licensed and insured. The third-party vendor must sell alcohol by the drink at a true cost, may not charge a flat-rate at the entrance for all you can drink or to subsidize the cost of drinks, and must identify all customers and serve only those of drinking age. Please see our resource guide for helpful information about Third-Party Vendors.

No fraternity or sorority may be allowed to obtain a liquor license for any purpose. The third-party vendor is responsible for having their own liquor license.

Any fraternity or sorority who completes all necessary registration steps and is in good standing with the Office of Fraternity & Sorority Life and the IFC/CPH can register a social event at a third-party vendor, *regardless of possessing an assembly permit for chapter premises.*

No advertising is allowed for social events in which alcohol is present.

No chapter may co-sponsor an event with an alcohol distributor, charitable organization, or tavern (tavern defined as an establishment generating more than half of annual gross from sales of alcohol) where alcohol is given away, sold, or otherwise provided to those present.

## VI. Other Risk Areas

In compliance with insurance, National/International regulations, state and local laws and the UNH Student Rights, Rules and Responsibilities Handbook, all UNH fraternities and sororities must abide by the following expectations:

**HAZING:** No chapter, colony, student or alumnus/a, under any circumstance shall conduct nor condone hazing activities. See UNH Hazing Policy for more detail.

**SEXUAL VIOLENCE:** No chapter, under any circumstance, shall tolerate or condone any form of sexist or sexually abusive/violent behavior on the part of its members whether physical, mental or emotional. This is to include any actions which are demeaning to women or men, including but not limited to date rape, gang rape, physical or verbal harassment.

## VII. Violations

Students and organizations may be referred to the appropriate conduct board to answer allegations about violations to this policy. This policy falls under the jurisdiction of all State and Local laws, and the UNH Student Rights, Rules and Responsibilities policies. Any additional violations of

codes besides the IFC/CPH social policy will be handled by the appropriate judicial body or bodies.

## UNH Tobacco Policy

### Preamble

The University of New Hampshire (UNH) joins with the American College Health Association (ACHA) in supporting the findings of the Surgeon General that tobacco use in any form, active and passive, is a significant health hazard. UNH further recognizes that environmental tobacco smoke has been classified as a Group A carcinogen by the United States Environmental Protection Agency. In light of these health risks, UNH hereby adopts a tobacco policy that addresses prevention, reduction and cessation actions as they pertain to tobacco/smoking issues.

UNH supports the health goals of the U.S. Public Health Service (USPHS) to reduce the proportion of adults who smoke and to positively influence our community by helping people to remain or become tobacco/smoke free. Efforts to promote a tobacco/smoke-free environment have led to substantial reductions in the number of people who smoke, the amount of tobacco products consumed, and the number of people exposed to environmental tobacco smoke. At the same time, the simple message of “smoke-free” can sometimes be misinterpreted to mean “smoker-free” or “anti-smoker.” Our intent is to institute a policy that respects the rights of smokers and non-smokers. We acknowledge the Centers for Disease Control and Prevention (CDC) statistics that an estimated 32 million smokers (about 70% of all smokers) report that they want to quit smoking completely. We recognize that the implementation of a tobacco/smoking policy will have an immediate effect on our smokers and have included prevention, education and cessation initiatives to support the non-use of tobacco products.

### Policy

In order to protect the health, safety and comfort of University students, faculty and other academic appointees, staff, and visitors, and consistent with state law (RSA 155:64-77), it is the policy of the University of New Hampshire to restrict smoking cigarettes (clove cigarettes, bidis, kreteks), electronic cigarettes, cigars and cigarillos, hookah-smoked products or any lighted or heated tobacco/nicotine product, in facilities and on grounds owned and occupied or leased and occupied by the University. Where the needs of smokers and non-smokers conflict, smoke-free air shall have priority. In addition, UNH supports education programs to provide smoking cessation and prevention initiatives to our students, faculty and other academic appointees and staff. This policy supersedes all other tobacco/smoking policies at UNH.

### Procedures

#### 1. Education

- a. The UNH tobacco policy shall be included in the new employee and student orientation program, in the Student Right, Rules, and Responsibilities, in admissions application materials and other campus documents where appropriate.
- b. UNH encourages employees and students not to smoke by offering educational information and providing information about smoking cessation classes offered through university departments or offices, health care providers, nonprofit organizations or other groups.
- c. UNH Health & Wellness, Living Well Services, will provide prevention and cessation programs to students upon request and offer other prevention and education initiatives that support non-use and address the risks of tobacco smoke.

- d. USNH health and wellness programs and services will offer prevention and cessation programs to faculty and staff.

#### 2. Nonsmoking Areas

- a. Inside all buildings owned and occupied or leased and occupied by UNH.
- b. University vehicles.
- c. Outdoor Areas:
  - (1) Entrances and outside stairways to buildings, and outdoor passageways to entrances and stairways. Smoking will not be allowed within twenty (20) feet of a building or an air intake unit.
  - (2) Courtyards or other areas where air circulation may be impeded by architectural, landscaping or other barriers.
  - (3) Outdoor entry or service lines, such as for ticket purchases, event admissions, bus stops, ATMs, etc.
  - (4) Outdoor seating areas provided by food services.
  - (5) Areas where there is fixed seating, such as Wildcat Stadium.
  - (6) Areas that are reserved for events that do not have fixed seating but for which the sponsor determines that the interests of nonsmokers need to be protected (e.g., outdoor concerts, university receptions and events, and ground-breaking ceremonies). Such areas are designated “no smoking” by posting signage at appropriate locations or providing proper advanced notification.

#### 3. Sales and Marketing

- a. Advertisement of all tobacco products or their use shall be prohibited in all University of New Hampshire publications and on all University owned, occupied or leased properties.
- b. Any sale or free sampling of tobacco products on campus shall be prohibited.

#### 4. Implementation

This policy relies on the consideration and cooperation of smokers and non-smokers. All members of the UNH community, including visitors, are asked to observe this policy.

### Responsibilities

The President, Vice Presidents, Deans, Directors and Department Heads shall:

1. Assure that this policy is communicated to everyone within their areas of responsibility.
2. Direct complaints and questions about the policy to the Environmental Health & Safety Office.

Any variation of this policy must be approved by the President upon the recommendation of the appropriate senior administrator reporting directly to the President.

Alcohol and other chemical dependency problems can be treated successfully if they are identified as early as possible and if appropriate treatment programs are promptly instituted. When the capacity to make informed decisions regarding alcohol and other drug use has been impaired or compromised, prompt and appropriate intervention can help a majority of the individuals involved. The University is committed to encouraging and assisting its members (both individually and groups) who are experiencing these problems to obtain the help they need. The University is also committed to providing educational and counseling services aimed at preventing these problems from developing.



# Academic Policies

## 01 Definitions

### 01.1 Classification of Undergraduate Students

**01.11 Degree candidate.** A student who has been formally admitted into a program leading to a degree awarded by the University of New Hampshire. (See 03.112).

**01.111 Part time.** Enrolled in fewer than 12 credits in a given semester.

**01.112 Full time.** Enrolled in 12 or more credits in a given semester.

**01.12 Special student.** A student who has not formally been admitted into a program leading to a degree awarded by the University of New Hampshire. Such students are usually restricted to part-time study unless permission is granted by the Office of Admissions. (See 5.21(fs), 5.22(fs), 06.22(fs).)

## 02 Admission

Within the limits of its resources, the University shall be open to all qualified students. If the number of students to be admitted must be restricted for lack of adequate staff or facilities, admission shall be based as far as possible on individual merit and, in the case of special programs, on other relevant criteria. The only departure from a completely nondiscriminatory admission policy that is consistent with the University's educational mission is one that is imposed by its public, tax-supported character. Consequently, duly qualified New Hampshire residents are to be given preference as state law now requires. Students from other states and foreign countries are approved for admission every year in accordance with the University's long-standing interest in maintaining a diverse student body.<sup>1</sup>

### 02.1 Entrance Conditions

**02.11(fs) Entrance classifications.** Students may qualify for participation in University coursework under any one of three different classifications:

1. Bachelor's degree candidacy
2. Associate's degree candidacy
3. Special student status

The specific criteria for acceptance to the above classifications are set forth in the University catalog. The director of admissions may approve the admission of students who do not fully meet these criteria, provided there is adequate evidence that they are capable of pursuing their proposed curriculum satisfactorily.

**02.12(fs) Transfer admission.** Candidates who have earned college-level course credit at the University or at other accredited colleges prior to admission but following completion of high school will be considered as transfer candidates for admission. Their credit and class standing at the University of New Hampshire will be determined by the quantity and quality of work completed at the previous institution. 1 (See 06.231(fs).)

**02.13 Entrance health requirements.** Undergraduate students who have been formally accepted for bachelor's or associate degree candidacy and who register for 12 or more semester credit hours must have a complete health record on file with University Health & Wellness. This record consists of a confidential computerized medical history questionnaire to be completed prior to matriculation.

Students wishing exemption from this requirement on religious grounds must make a written request to the executive director of Health & Wellness.

**02.14 Immunizations.** Prior to matriculation at a member institution within the University System of New Hampshire (USNH), all undergraduate and graduate students are required to provide proof of immunization

or demonstrate their immunity to specific vaccine-preventable diseases as outlined below.

#### Required:

- Measles, Mumps, Rubella (MMR): 2 doses at least 28 days apart, initiated after 12 months of age, or immune titers
- Meningococcal (ACWY): 1 dose required within 5 years of enrollment; a booster dose required if initial dose administered prior to age 16
- Tetanus, Diphtheria, Pertussis (Tdap): within 10 years, after completion of primary series
- Chicken Pox (Varicella): two doses of vaccine, separated by four to eight weeks, or immune titer

#### Strongly Recommended

- Influenza: annually
- Hepatitis B: series of 3 doses

Students failing to meet these criteria upon arrival on campus will be denied registration.

## 03 Registration and Withdrawal

### 03.1 Registration

**03.11(fs) Quota of semester credits.** Students enrolled in courses totaling more than 20 credits must have received the approval of their college dean.

**03.111 Fees for credits in excess of 20.** Students enrolled in courses totaling more than 20 credits after the fifth Friday of classes will be billed the appropriate surcharge on a per-credit basis. (See 03.11(fs) regarding the dean's approval.) Students, during the course of their career, may petition the Registrar for a waiver of these requirements for up to 6 credits in activity-type courses; these may be composed of 3 such 2-credit courses, 6 such 1-credit courses, or 12 such half-credit courses, or a combination thereof.

**03.112 Class standing.** A.A. and baccalaureate undergraduates are assigned class standing on the basis of semester credit hours of academic work completed with a passing grade, as follows: to be a sophomore, 26 credit hours; to be a junior, 58 credit hours; to be a senior, 90 credit hours. A.A.S. candidates: to be a senior, 26 credit hours. (See also 05.11(fs).)

**03.12 Failure to register.** Credit will be given only for those courses<sup>2</sup> for which a student has properly registered.

**03.13 Auditing.** Students of the University may, with the approval of their advisor and the continuing consent of the instructor concerned, audit any course at the University upon payment of the regular fees. The deadline for requesting an audit grade is Friday of the fifth week of classes. The change is accomplished by submitting an Audit Course Form to the Registrar's Office (See also 03.14 and 05.23(fs).)

Subsequent requests for change to audit will be by petition to the Registrar for compelling reasons only, requiring approval of the course instructor, the student's advisor, and the dean of the student's college.

**03.14 Change of registration.** Within academic deadlines, students may drop or add a course in Webcat by using a Registration Access Code (RAC) or filing a change of registration form with the Registrar's Office, completed with approval from the instructor. (See 03.142(fs) and 03.143(fs).)

*Note:* 01-07 apply only to undergraduates unless otherwise specified. Graduate students should refer to the Graduate Catalog for information concerning academic policies for graduate students. Sections 08 and 09 apply equally to undergraduate and graduate students.

1. Transfer candidates may also be considered for a second degree. (See 06.232(fs).)
2. Course refers to a unit of work, such as English 401, Mathematics 425, while "curriculum" refers to a group of courses, such as the chemistry curriculum, and general liberal arts curriculum, etc.



**03.141(fs) Failing a prerequisite.** Students who fail a prerequisite to a course for which they are registered must drop the course, following the procedure outlined in rules 03.142(fs) and 03.143(fs).

**03.142(fs) Deadline for adding courses.** Students may add a course to their schedule before the second Friday of classes each semester. The addition may be made in Webcat by use of a Registration Access Code (RAC). A student may add a course after the second Friday only for compelling reasons, which must be presented in a petition signed by the course instructor and approved by the student's adviser and the dean of the student's college.

**03.143(fs) Deadline for dropping courses.** A student may drop a course before the end of the fifth Friday of classes (or third Friday of classes for courses of less than a semester's duration) in Webcat by use of a Registration Access Code (RAC).

A student may drop a course after the fifth Friday of classes only for compelling non-academic reasons, which must be presented in a petition signed by the course instructor and approved by the student's adviser and the dean of the student's college. This petition is subject to approval by the Academic Standards and Advising Committee. (See 7.132(fs) and 7.11(fs) regarding grades for courses dropped; and 12.341 regarding refund of tuition.)

**03.144 Variable credits.** Credits in a variable credit course are established either by the student with departmental approval or assigned by the department at the beginning of the semester. In either case, the student may make the change in Webcat by the end of the add period.

## 03.2 Transfers

**03.21 Change of college.** A bachelor's degree candidate may change from one college in the University to another only with the approval of the deans and departments of the colleges involved by submitting a request through the online change of major process. This change must be approved by the advisor and department chairperson in the major or curriculum to which the student wishes to transfer. An associate degree candidate must apply through the Office of Admissions to change colleges.

**03.22 Change of curriculum or major.** Students may change their curriculum or major to another within the same college by submitting a request through the online change of major process. This change must be approved by the adviser and department chairperson in the major or curriculum to which the student wishes to transfer. Dual Majors: Students with dual majors must maintain a 2.5 grade point average to continue as dual majors.

**03.23 Issuance of transcripts.** A student is required to satisfy University accounts before the Registrar will issue an official transcript and/or diploma as evidence of work done at this University. (See 12.32.)

## 03.3 Withdrawal from the University

**03.31 General rule.** A student may withdraw from the University in any semester by obtaining, completing, and submitting a withdrawal form from the Registrar's Office. Until mid-semester, students may withdraw from the University without academic liability. Students withdrawing from the University after the drop period and before mid-semester receive a "W" in all courses

Students withdrawing from the University after mid-semester must be assigned a WP or WF by their instructors.

The WF will be computed into the student's grade-point averages. Failure to register in any regular semester or to formally withdraw is considered a lapse in a student's degree status and a transcript notation is recorded "degree status discontinued." The student must subsequently apply for readmission. (For tuition rebate, see 12.341 for housing rebate, see 12.343; for dining rebate, see 15.5. For withdrawal grades, see 7.132(fs). For leaves for reasons of health, see 03.32.)

**03.32 Leave of absence.** Any student not subject to any academic or conduct action wishing to seek a leave of absence from their degree program

may consult with their respective college dean's office or the Office of the University Registrar. Reasons for requesting a leave of absence may include financial, academic, personal, or health reasons. Students who request a leave that begins while they are enrolled for a given semester will be subject to the rules governing refunds and the award of W, WP, and WF as noted in section 3.31. In most instances, however, leaves that are not health related begin after the completion of a semester. Students on a Leave of Absence for any reason, except Military Leave of Absence, may not earn transfer credit for courses taken while on the leave of absence.

Any student wishing to leave UNH for health reasons should go first to the Dean of Students to begin the process. Note that students who are granted a leave of absence for health reasons are prohibited from study away program participation during the duration of the leave, must remain on leave for one complete semester following the granting of the leave, and must be cleared by the Dean of Students before returning from a leave for health reasons.

Students returning from a leave for a fall semester must notify the Registrar by June 1 of their intent to return and by November 1 when returning for spring semester. Students will be reinstated into the same major at the point of their leave's start. Normally, leaves of absence may not exceed three academic years or six semesters, exclusive of J-Term and Summer Session. Exceptions to the leave of absence policy will be granted by the University Academic Standards and Advising Committee and only in unusual circumstances.

Until mid-semester, students may take a Leave of Absence from the University without academic liability. Students withdrawing from the University after the drop period and before mid-semester receive a "W" in all courses. The WF will be computed into the student's grade-point averages. Failure to return from a leave of absence or to formally withdraw is considered a lapse in a student's degree status in the next semester after three academic years have elapsed and a transcript notation is recorded "degree status discontinued." The student must subsequently apply for readmission. (For tuition rebate, see 12.341 for housing rebate, see 12.343; for dining rebate, see 15.5. For withdrawal grades, see 7.132(fs). For leaves for reasons of health, see 03.32.)

## 04 Attendance and Class Requirements

### 04.1 Attendance

**04.11(fs) General.** Students are expected to accept the responsibility for satisfactory attendance in each course for which they are registered. What constitutes satisfactory attendance shall be determined in each course by the instructor within the framework of rules 04.12(fs) to 04.16.

**04.12(fs) Absences from examination and laboratory periods.** Any student who is absent without excuse from an announced test, quiz, examination, or laboratory period may, at the discretion of the instructor, be penalized for such absence or be allowed to make up the work missed.

**04.13(fs) Excused absences.** The designation of excused absences and the assignment of any subsequent makeup work are the prerogative of the course instructor. It is expected that instructors will be reasonable in the exercise of this prerogative. In general, students may be excused for reasons such as (a) ill health, (b) participation in official intercollegiate events, (c) personal emergencies (d) instructional trips, and (e) important religious holidays and/or observances as discussed with the instructor, and they will then not be subject to academic penalty.

**04.131(fs) Absence on voting day.** In order that UNH students may fully exercise their constitutional right to vote in New Hampshire state and federal elections, no examinations will be scheduled on the first Tuesday of November, and such should be designated in the University calendars. Opportunities for makeup of other scheduled exercises on those days should be provided where necessary. Faculty are requested to cooperate to the fullest extent with students from communities scheduling elections at other times.

**04.14(fs) Absences in certain courses.** In courses where students' grades or credit may be affected by their record of attendance, as in certain courses of the Department of English, Department of Kinesiology, Department of Music, and the ROTC programs, unexcused absences may entail penalties of lowered grades or loss of credit.

**04.15(fs) Excessive absences.** When students absent themselves from class to such extent that their own progress or that of the class or group is seriously impaired, they will be reported to the dean of their college by their instructor. When reports are received by a college dean, the dean will consider each student's class standing, academic record, and other pertinent factors; the dean may then (a) warn the student against continued absences by letter or by interview, (b) place the student on scholastic warning—see 05.11(fs)—or (c) report the student to the Academic Standards and Advising Committee for a decision as to whether the student shall continue in the University.

**04.16 Weekly common exam hours.** Tuesday and Thursday from 12:40 pm to 2:00 pm are University "free" hours, which are reserved for convocations or common exams for multi-section courses. Normally, classes and labs are not scheduled during these hours. The Registrar may allow some exceptions to this policy; however, any classes or labs scheduled during these hours must excuse without penalty all students whose attendance is also required for common exams. (footnote 3) Thursday evening from 7:10 – pm to 9:00 pm is also designated as a common exam time when students must be excused without penalty from their regularly scheduled classes or labs if a common exam is scheduled at the same time.<sup>3</sup>

## 04.2 Class Requirements

**04.21(fs) Class period.** The normal class period for recitation and lectures shall be from one hour to ninety minutes, and for laboratory exercises, from two to five hours. Ten minutes shall be deemed sufficient for the change of classes.

**04.211(fs) UNH Credit Hour Policy.** The University of New Hampshire is in compliance with the federal definition of credit hour. For each credit hour, the university requires, at a minimum, the equivalent of three hours of student academic work each week assuming a 15-week semester (student workload for shorter length terms must be increased proportionally per week to maintain required approximately 45 hours of work per credit per term) Student work reflects intended learning outcomes and is verified through evidence of student achievement.

**04.212(fs) Class visitation.** Visitors may be admitted to individual classes with the consent of the instructor. Active participation by a visitor in class discussions is permitted only upon invitation of the instructor.

**04.213 (fs) Student Use of Electronic Devices in the Classroom** Regarding the policy on cell phone/PDA/pager/digital music player/laptop/other electronic device use during class, students may not use cell phones, PDAs, pager, digital music players, laptops and other electronic devices during class unless designated by the course instructor. If use of any of these items is permitted by the course instructor, these items are not allowed to be used for non-class activities. If you, the student, have a learning disability that requires the use of one of these items, you must provide evidence from Student Accessibility Services (SAS), to inform the course instructor of this situation so that they can accommodate your use. Also, if you need to leave a cell phone on for an emergency situation, you should inform the course instructor at the beginning of the class session as well as keep the phone on in a silent mode, so as not to disrupt the course.

## 05 Academic Requirements

### 05.1 Requirements

**05.11(fs) Minimum acceptable level.** A cumulative grade-point average of 2.00 is the minimum acceptable level for undergraduate work in the Uni-

versity and for graduation from the University. The Academic Standards and Advising Committee examines the records of students periodically and may warn academically deficient or potentially deficient students, or may exclude, suspend, or dismiss those who are academically deficient. (See 05.51, 05.52, 05.53.)

### 05.2 General Course Requirements

**05.21 For students who are admitted as baccalaureate degree candidates.<sup>4</sup>** In addition to the particular requirements for specific degrees, all candidates for a bachelor's degree must obtain a passing grade in a minimum of 128 credits in courses numbered 400-799, must maintain a cumulative grade-point average of at least 2.00 for all courses taken at the University in which a grade is given, and must successfully meet the following Discovery Program.

#### Discovery Program Requirements

##### Discovery Foundation Skills

**Inquiry course INQ.** This course may fulfill a Discovery category and/or a departmental requirement. It should be taken during a student's first or second year or prior to completion of 57 credits. All students entering in academic year 2011 or later are under Discovery Requirements. For students who transfer in with 26 or more credits, the INQ requirement is waived automatically.

**One course in writing skills WS.** Most students will satisfy the first-year writing requirement with English 401. This course should be taken during a student's first year or prior to completion of 32 credits.

**One course in quantitative reasoning QR.** This course is normally completed by the end of the first year or 32 credits.

##### Discovery in the Disciplines

Students must take one course from each Discovery category at the 400 - 600 levels. Inquiry courses that carry Discovery category designations may be used to satisfy this requirement.

1. One course in Biological Science (BS);\*
2. One course in Physical Science (PS);\*
3. One course in Environment, Technology, and Society (ETS);
4. One course in Fine and Performing Arts (FPA);
5. One course in Historical Perspectives (HP);
6. One course in Humanities (HUMA);
7. One course in Social Science (SS);
8. One course in World Cultures (WC) (also may be satisfied by approved study abroad programs that are 8 weeks or longer in duration).

\* One of these courses must have a lab component. (DLab)

##### Additional Information

Discovery Program requirements shall not be waived on the basis of special examinations or placement tests, except for the College Board Advanced Placement tests and the College Level Examination Program (CLEP) tests.

The required courses cannot be taken on a pass/fail basis. No single course may be counted in more than one Discovery discipline category. Academic departments may or may not permit Discovery courses to count toward requirements for a major. All Discovery courses carry 3-4 credits.

In addition, all students admitted (whether first-time admits or transfers) beginning September 2000, will be required to complete four "writing-intensive" courses. The four courses must include English 401 (Freshman Composition) and three additional "writing-intensive" courses, one of which must be in the student's major, and one of which must be at the 600-level or above. Writing Intensive courses cannot be taken on a pass/fail basis.

**05.211(fs) Major department.** "Major department" as used in the specifications of University Discovery Requirements will be understood to mean the

4. Degree requirements for the University of New Hampshire-Manchester and TSAS associate degrees are described in the *Undergraduate Catalog*.

3. Common exam times are not applicable to Thompson School courses.

student's declared major.

**05.212(fs) Minors.** Students may earn a minor in any undergraduate discipline designated by the University. A minor typically consists of 20 credits with C- or better and a 2.00 grade-point average in courses that the minor department approves. Courses taken on the pass/fail basis may not be used for a minor. No more than 8 credits used to satisfy major requirements may be used for a minor. There is no limit on the number of overlapping credits allowed between minors.

**05.22 (fs) Privileges of an auditor.** An auditor may, with the consent of the instructor, take examinations but shall receive no academic credit. (See 03.13.)

**05.23(fs) Examinations.** Examinations at the end of each semester may be given in any course, but all such examinations must be scheduled and given at the time they are scheduled with the following exceptions: Practical examinations covering laboratory work may be given during the last five days of classes preceding the examination period. In courses of a modular nature with several instructors, the instructor of the final module may schedule a final examination during the last week of classes if approval is first obtained from the college dean. These exceptions apart, no announced oral or written test may be given during the last five days of classes preceding the examination period. If a student is scheduled for more than two final exams in one day and chooses to take only two final exams on that day, the middle exam will be rescheduled. The instructor, in consultation with the student, will schedule a makeup exam.

**05.24(fs) Prerequisites.** Courses that have other courses as prerequisites must be so described in the University catalog. Chairpersons of departments, with the approval of the dean of the college concerned, will determine such courses, but if more than one college is affected, approval of the Academic Senate must be secured. (See 03.141(fs).)

**05.25(fs) Credit by examination.** In exceptional cases only, permission to gain credit by examination may be granted to a student who by study, training, or experience outside the University has acquired skill or knowledge equivalent to that acquired by the undergraduate in a college course, such examination to be on the material covered by the course.

**05.26(fs) Advanced credit.** Students entering the University who demonstrate to the Office of Admissions, the department concerned, and the college faculty<sup>5</sup> satisfactory achievement on approved placement examinations will be granted course credit.

### 05.3 Exemptions

**05.31(fs) Waiver of requirements in a prescribed curriculum.** The requirement of a given course in any prescribed curriculum may be waived by the faculty of the course.<sup>6</sup> Students' petitions must be approved by their major advisor and the dean of their college. **Waiver of requirements in the Discovery Program.** Students may petition the Discovery Committee in order to waive or replace a requirement. Students' petitions must be approved by their major advisor and the dean of their college.

**05.32(fs) Transfer credit.** A comparable course passed with a C grade or better at another accredited institution may be accepted for credit with the approval of the department concerned and the dean of the college in which the student is registered.<sup>7</sup> UNH students whose status are withdrawn, leave of absence, or suspended due to academic performance may not transfer credits earned during the period of required separation. Any UNH Student whose status is suspended due to a conduct violation may not transfer credits earned for the full first semester of their suspension.

UNH students who are ineligible for participation in a UNH-managed/UNH-approved study away program and who enrolls in a non-UNH study away program may not transfer credits earned in that program to their UNH degree.

Credits for a C grade or above are transferable from one institution to

another within the University System (Granite State College, Keene State College, Plymouth State College, and the University of New Hampshire). (See 06.2 (fs).) Grades received in courses for which a student has been granted transfer credit will not appear on the UNH transcript and will not affect the student's grade-point average.

**05.33 (fs) Thompson School Courses.** Baccalaureate and Associate in Arts degree candidates may take 200-level Thompson School courses for credit with the following stipulations:

1. The TSAS course must be transferable to UNH at the time it is taken.<sup>8</sup>
2. Grades received in 200-level courses will be recorded on the student's transcript but will not affect or be included in the student's GPA. Baccalaureate degree candidates cannot register for COM 209.
3. TSAS courses may not be used for writing-intensive, or foreign language requirements. Only TSAS courses that are at 400 - 600 level and Discovery approved may count for Discovery requirements. They may be used for major or minor requirements only if specifically approved on a course-by-course basis by the department granting the major or minor and when the student meets the usual minimum grade requirements of that program. Note: For TSAS transfers to the four year program, COM 209 is accepted to fulfill the WS requirement and is considered a Writing Intensive course.
4. AA/BA/BS students must earn a grade of C or better to receive credit for a Thompson School course (applies to classes taken before fall 2015.).

### 05.4 Exclusion from a Course

**05.41(fs) After enrollment.** A student may be excluded from any course after enrollment, with or without penalty, upon recommendation of the instructor and with the approval of the dean of the college in which the student is registered, as soon as it becomes reasonably apparent that such student is unqualified to carry the course successfully.

### 05.5 Academic Exclusion, Suspension, Dismissal

**05.51 Exclusion.** Students whose academic progress is uncertain, as evidenced by a mixture of generally low grades, incomplete courses, and administrative failures, may, upon determination by the Academic Standards and Advising Committee, be excluded from further attendance until such time as their academic standing can be clarified, usually by resolution of incomplete courses. In addition, exclusion may be necessary to resolve questions concerning major departmental requirements or University academic standards. Exclusion is a temporary action and will be changed to Degree Status Discontinued, suspension, or dismissal not later than mid-semester following the exclusion action unless the student resolves the situation. If exclusion is not promptly resolved, then the student's preregistration, registration, and University housing will be canceled.

**05.52 Suspension.** Students whose averages fall below the minimum required grade-point average for their class and/or who have demonstrated insufficient progress toward their degrees may be suspended. Students suspended from the University for academic reasons will not be readmitted as degree candidates until one regular UNH academic year semester (fall or spring) has elapsed from the time of suspension. Therefore, students will not be eligible to take courses in the regular session or in the Division of Continuing Education. In addition, students suspended in June may not enroll in any course in the Summer Session immediately following their suspension. Students on suspension for any reason will not earn transfer credit for courses taken while on suspension. (See 05.54)

5. This power will usually be delegated by the faculty to the dean or to a committee.

6. See Note 5.

7. A student is advised to complete a prior approval form, available at the Registrar's Office, before enrolling for such a course at another institution.

8. A list of transferable courses is available at the publicly accessible UNH Transfer Credit Database housed at the Office of the Registrar's website.

**05.53 Dismissal.** Students who have been suspended once and whose average remains substantially below the minimum grade-point average for their class and who continues to demonstrate insufficient progress toward their degree must be dismissed. Only under extraordinary circumstances will a student be readmitted after having been dismissed. However, students who are dismissed may take courses through the Division of Continuing Education after one regular UNH semester has elapsed. (See 05.54.)

**05.54 Readmission after suspension or dismissal.** Students who are suspended from the University and who wish to apply to the Academic Standards and Advising Committee for permission to be readmitted should present reasons indicating that they can successfully resume college work. Suspension from the University shall be for not less than one semester. A second suspension is considered a dismissal. Only under extraordinary circumstances will a student be readmitted after having been dismissed for academic reasons. (For readmission after a leave for reasons of health, see 22.2.)

**05.60(fs) Study Away Eligibility and Student Conduct Policy.** Students sanctioned by the University Student Conduct System for a serious violation of the University of New Hampshire *Student Rights, Rules, and Responsibilities*, including but not limited to academic dishonesty, repeated drunk and disorderly behavior, illegal drug activity, destruction or theft of property, or physical or sexual assault must satisfy the following conditions prior to consideration for participation in a UNH-managed or UNH-approved study away program:

1. Students must have satisfied all conditions and/or sanctions imposed as a result of the infraction, including probation;
2. Students must submit to the university's Academic Standards and Advising Committee (ASAC) a statement explaining why the University can be confident that they will behave appropriately during the study away program and receive ASAC's approval. (Approved April 2005)

**These same conditions will apply in instances where the conduct issue has been addressed through the court system rather than through the University's Student Conduct system.**

**05.61(fs) Study Away Academic Eligibility.** Students enrolled in UNH baccalaureate degree programs may participate in approved study away programs provided they meet the following eligibility criteria:

1. Must have earned at least 32 credit hours, at least 12 of which must have been earned at the University of New Hampshire at the baccalaureate level;
2. Must have a minimum 2.5 cumulative grade point average at the time of application to and at the time of departure for the study away program. Study Away Programs provided by UNH or approved institutions may have higher minimum GPA requirements.
3. Must have a declared major.

Transfer students, including transfer students from Thompson School of Applied Science (TSAS) are not eligible to study away during the first semester of their baccalaureate program at UNH.

Students enrolled in the degree programs of the Thompson School of Applied Science may participate in approved study away programs appropriate for two-year degree candidates. TSAS students must meet the following eligibility criteria:

1. Must have earned 32 credits, at least 12 of which must have been earned at the University of New Hampshire at the associate degree level;
2. Must have a minimum 2.5 cumulative grade point average at the time of application to and at the time of departure for the study away program. Study Away Programs provided by UNH or other approved institutions may have higher minimum GPA requirements.

Special consideration will be given to those students who, although below the 2.5 cumulative GPA threshold, have demonstrated promise in the previous two semesters. Those who wish to be considered for academic variance

must petition for an academic variance with the support of their advisor and their Dean's Office. Petitions for academic variance are subject to approval by the Academic Standards & Advising Committee.

(Approved December 2004)

**Note:** For the Spring '19, Summer '19, Fall '19, J-Term '20, Spring '20, Summer '20, Fall '20 and J-Term '21 terms the UNH Faculty Senate has approved the following eligibility criteria:

1. The minimum GPA for UNH faculty-led and managed study abroad and UNH coordinated study away programs is 2.0 university wide.
2. For UNH faculty-led and managed study abroad and UNH coordinated study away programs students can be "undeclared" and must have at least 12 earned UNH credits (to establish a GPA).
3. Individual study abroad faculty program directors or the study away coordinator may create additional standards as dictated by the needs of their program(s), including using GPA as a competitive factor or increasing GPA minimum requirements.
4. Outcomes of this four semester pilot program will be monitored and evaluated by the Provost's office or its designee and reviewed by the SAC of the Faculty Senate every spring, with a final report due in Spring 2021. (Approved December 2004, amended May 2018)

## 06 Requirements for Graduation

### 06.1(fs) Student Responsibility for Knowledge of Requirements

A student is held responsible for all work required for graduation and for the scheduling of all the necessary courses. Either faculty or PAT (Professional, Administrative, and Technical) staff members may serve as academic advisors depending on departmental procedures. Academic advisors typically help students both schedule classes that meet university and departmental requirements and monitor their progress throughout their academic career. Either academic advisors or other staff of the associated department/college may assist students in various ways, for example to learn of internships and post-graduation opportunities, and they may direct students to relevant support services when appropriate.

### 06.2 Requirements

**06.21(fs) Academic.** To be graduated from the University, a student must obtain a passing grade in a minimum of 128 semester hours; for associate degree graduation, 64 semester hours.

The student must attain a cumulative grade-point average of at least 2.00 for all courses taken at the University in which a grade is given.

The student must also meet the curricular, departmental, scholastic, and other requirements that have been sanctioned by the proper authorities. (See 05.1, 05.2, 05.3.)

**06.22(fs) Residence.** "Residence" is being enrolled in University of New Hampshire courses after admission to and matriculation in a degree program. Students who are candidates for bachelor's and associate degrees must attain the last one-fourth of their credits toward the degree in residence unless granted permission by the Academic Standards and Advising Committee to transfer part of this work from other accredited institutions.

**06.23(fs) More than one degree.** A student may obtain more than one undergraduate degree, subject to the limitations as stated in the footnote to 06.232(fs), by completing all the curricular, departmental, scholastic, and other requirements for each degree.

**06.231(fs) Transfer credit.** Transfer credit is awarded for courses that have been completed with a grade of C or better at another institution accredited by an accreditation agency recognized by the U.S. Department of Educa-

tion, provided those courses are comparable to courses offered at the University of New Hampshire.

**06.232(fs) Dual degree for transfer students.** Transfer students already holding a baccalaureate degree from another accredited institution may pursue an additional dissimilar baccalaureate degree at the University of New Hampshire, provided they fulfill the requirements for the dual degree listed in the undergraduate catalog.<sup>9</sup>

The degree received at the first institution will be accepted by the University of New Hampshire as awarded by that institution.

### 06.3(fs) Certification of Candidate for Graduation

Candidates for graduation shall be certified as to their college requirements by the several college faculties to the Registrar, who shall recommend them to the president for their appropriate degrees provided they have satisfied all University requirements for graduation.

## 07 Grades and Honors

### General regulations

Instructors must be prepared to discuss and to explain the basis for their evaluations of students. If, after consulting the instructor, students still believe that they were treated unfairly, they have the right to seek redress from the chairperson of the department or program in which the course is offered. Under exceptional circumstances, a final appeal may be made to the dean of the college in which the program is offered.

### 07.1 Grades

#### 07.11(fs) The grading system in the undergraduate colleges and schools.

The Faculty Senate recognizes that grade inflation exists at the University of New Hampshire. The senate, therefore, states that throughout this University the grade of C shall indicate competent, acceptable performance and learning in undergraduate courses; the grade of B shall indicate superior performance and learning; the grade of A shall indicate excellent performance and learning. These standards shall apply equally to all undergraduate courses, instructors, departments, subjects, and colleges.

An instructor may assign grades as listed below. In general, these are letter grades. The intermediate grades are designated by adding a plus or a minus to the letter grade. Grade points assigned to plus grades are 0.33 higher than those assigned to the letter grade without the plus. Grade points assigned to minus grades are 0.33 lower than those assigned to the letter grade without the minus. In certain cases, where the format of the course creates difficulties for this type of grading, the course will be designated "credit/fail" if authorized by the faculty of the department in which the course is taught, the dean of the appropriate school or college, and the provost and vice president for academic affairs.

A	(4.00)	excellent
A-	(3.67)	intermediate grade
B+	(3.33)	intermediate grade

B	(3.00)	superior
B-	(2.67)	intermediate grade
C+	(2.33)	intermediate grade
C	(2.00)	satisfactory, competent
C-	(1.67)	intermediate grade
D+	(1.33)	intermediate grade
D	(1.00)	marginal grade
D-	(0.67)	intermediate grade
F	(0.00)	failure: academic performance so deficient in quality as to be unacceptable for credit.
AF	(0.00)	administrative F (usually indicates student stopped attending without dropping the course); is included in grade-point average
CR		credit: given in specific courses having no letter grades, designated credit/fail
P		passing grade in a course taken under the student pass/fail grading alternative
W		withdrawal grade—assigned if withdrawal is after the fifth Friday of classes, but before mid-semester, is not included in grade-point average
WF	(0.00)	assigned if withdrawal is later than mid-semester and the student is failing the course at the time of withdrawal; is included in the grade-point average
WP		assigned if withdrawal is later than mid-semester and the student is passing the course at the time of withdrawal; is not included in the grade-point average
AU		audit—no credit earned
IC		grade report notation for student's incomplete coursework
IA		indicates "incomplete" in a thesis or continuing course of more than one semester; the grade earned will replace "IA" assigned in previous semesters
IX		grade not reported by instructor

In an attempt to keep evaluation as objective as possible, instructors will assign a letter grade to a student exercising the pass/fail grading alternative. The instructor will not know that the student is exercising this alternative. (See 07.112(fs).)

The semester hours or other work units covered by the F grade shall be considered in full in figuring the average, except that the F awarded in a pass/fail grading alternative or in a credit/fail course shall not be figured in the average. (See 07.112(fs).) Courses covered by the CR or P grades shall not be considered in figuring the average. (See 07.111(fs).) The number of grade points for a course is determined by multiplying the numerical equivalent of the grade times the semester hours of the course. The grade-

9. The University administrative requirements for a dual degree are as follows:

#### General Policy

The option to pursue two baccalaureate degrees simultaneously enhances and broadens the education of certain students at the undergraduate level. The program is only for those students who can adequately handle the requirements for two different degrees and who can reasonably allocate the additional time and effort needed for the program.

#### Requirements

1. Students desiring a dual degree must petition the college dean or deans involved for permission to pursue a dual degree.
2. If the student is planning to take one degree in a highly prescribed curriculum, she or he should register as a freshman in the appropriate school or college for that curriculum.

3. It is expected that a candidate for two degrees will complete 32 credits beyond those required for the first degree.

4. It is expected that students will maintain a minimum 2.5 cumulative grade-point average.

5. Students can earn more than one Bachelor of Science (B.S.) degree, provided that each degree is in a different field. Students cannot earn more than one Bachelor of Arts (B.A.) degree.

#### Supervision

As soon as a student is accepted as a candidate for two degrees, the appropriate dean(s) will appoint supervisors for each of the proposed majors. The supervisors and the student will work out a basic course plan for the two degrees and inform the appropriate dual degree dean(s) of the plan. The supervisors will maintain joint control over the student's academic program. The deans' offices and the supervisors will receive copies of the grade reports and other records for students pursuing two degrees.

point average is determined by the sum total of grade points divided by the sum total of graded credits (courses taken under the pass/fail grading alternative or credit/fail courses are not included in the divisor). The grade-point average is calculated to two decimal places. It is not rounded.

No course dropped at the University of New Hampshire with a grade above F nor any course taken from another institution will be used in figuring the grade-point average.

**07.111(fs) Courses repeated.** When students repeat a course, the former credits and grade points shall be removed from their cumulative grade point average (the letter grade shall remain) and the repeated course information shall be added. Students may not use the pass/fail grading alternative to repeat a course. (See 07.112(fs).) A notation will be made on the student's record beside the grade received on the repeated course indicating that it is a repeat. Both the original course and the repeated course must be UNH courses. In general, students may not earn credit for two equivalent courses. If two equivalent courses are taken, the Registrar's Office will remove credit for one.

**07.112(fs) Pass/fail.** An undergraduate student working toward a bachelor's degree may elect to use the pass/fail grading alternative for a maximum of 4 credits per semester, not to exceed 16 credits during the student's matriculation.

Students in their first term at the University have the option to change up to 4 credits from graded to pass/fail at any point prior to the Friday of the 10th week of the semester and must obtain the approval of their advisor.<sup>10</sup>

All other students have the option to change up to 4 credits from graded to pass/fail prior to the end of the add period (the second Friday of classes) and must obtain the approval of their advisor.<sup>10</sup>

The pass/fail grading alternative may not be used the following courses;

1. Courses that are used to fulfill Discovery/General Education Requirements;
2. Writing Intensive requirements
3. Major and minor requirements;
4. To repeat a course previously taken; and
5. For B.A., B.F.A., and B.M. candidates, in courses that are used to meet the foreign language requirement.

The minimum passing grade requirement for a course taken pass/fail is D- (0.67). The course grade of a pass/fail course will not be calculated into the grade-point average of the student, but the pass or fail will be recorded on the student's transcript. In the event of a pass, the student will receive the course credits (credit hours) toward degree requirements. The undergraduate student may elect the pass/fail grading alternative without permission or knowledge of the faculty member (course instructor). Upon request, the Registrar shall inform the instructor of any course of the percentage of students enrolled as pass/fail.

Associate in arts and associate in science degree candidates may use the pass/fail grading alternative for grading in a maximum of 8 credits. The pass/fail grading alternative may be used for a maximum of 4 credits per semester. The pass/fail grading alternative may not be used in any of the courses that fulfill the TSAS General Education or Discovery Program Requirements. Pass/fail may not be used for courses in the student's declared option. The minimum passing grade for credit is D- (0.67). Any grade below this minimum will be considered as a fail.

**07.12(fs) Freshman and new transfer reports.** Freshman and new transfer reports. In the 5th week of the academic semester, course instructors will provide early alert indicators on any Freshmen and new transfer students

10. No Peter T. Paul College of Business and Economics course may be taken on a pass/fail basis by a student majoring in business administration, economics, or hotel administration.

with below average performance in all participating courses. Some faculty may not assess substantive progress until the Midterm Examination, so the request for the early alert progress reporting for Freshman and new transfer students will be re-opened following mid-semester for those courses for which earlier data were not provided.

### 07.13 Incomplete courses

**07.131(fs) Courses not completed.** A notation of incomplete (IC) shall be recorded on a student's record only if a major portion of the entire work of the course has been completed and if the instructor approves the student's request for additional time to complete the coursework. The initiation and responsibility for finishing the incomplete work rests with the student.

When the work of the course has been completed, a final grade for the term will be submitted on a special grade form to the student's college dean. The form indicating completion of the work must be filed with the Registrar no later than the middle of the semester immediately following the one in which the incomplete was granted. A petition requesting an extension of time beyond mid-semester, if approved by the instructor, may be submitted to the dean of the student's college. An extension will be granted by the dean only under unusual circumstances.

If the work is not completed within the specified time, the grade will be recorded as F. *Note: An Incomplete in your final semester will delay your graduation date even if the course is not required for graduation.*

**07.132(fs) Courses dropped.** When students withdraw from a course prior to the fifth Friday of classes, registration for that course will not appear on their permanent academic record. If, normally for compelling nonacademic reasons, students submit an approved petition to drop a course after the fifth Friday (third Friday in shorter courses) and before mid-semester, they will receive a grade of W. Students dropping individual courses by approved petition after mid-semester must be assigned a WP or WF by their instructors. The WF will be computed into the students' grade-point averages.

**07.14(ad) Grade changes.** Requested grade changes submitted before the middle of the semester immediately following the one in which the grade was granted may be approved by the dean. After mid-semester, students must petition the Academic Standards and Advising Committee.

### 07.2 Honors

**07.21(fs) Classification.** An undergraduate degree student, after completion of at least 12 graded semester hours<sup>11</sup> in University of New Hampshire courses, will be designated as an honor student for a given semester if the student has (a) completed at least 12 graded (not CR or P grades) semester hours for that semester and earned at least a 3.50 semester grade-point average or (b) earned at least a 3.50 cumulative grade-point average and at least a 3.50 semester grade-point average regardless of the number of graded credits that semester. These categories will be used: 3.50 to 3.64 (honors), 3.65 to 3.84 (high honors), and 3.85 to 4.00 (highest honors).

**07.22(fs) Honors at graduation.** Baccalaureate degree candidates who have earned honors for their entire work at the University will be graduated with honors based on the final cumulative grade-point average, provided that a minimum of 64 graded semester hours has been completed in University of New Hampshire courses. The Latin equivalent of the honors classification will appear on the student's academic record and diploma. The student's honors classification will be noted in the Commencement program.

Students graduating in academic year 2015-16 and subsequent years will be graduated with honors according to the following categories: 3.50 to 3.64 (honors); 3.65 to 3.84 (high honors); 3.85 to 4.00 (highest honors).

**07.23(fs) Honors at graduation.** Associate in arts, associate in science, and

11. Pass/fail and credit/fail courses are not graded courses.

associate in applied science degree candidates who have earned honors for their entire work at the University will be graduated with honors based on the final cumulative grade-point average, provided that a minimum of 32 graded semester hours has been completed in University of New Hampshire courses. The English equivalent of the honors classification will appear on the student's academic record and diploma. The student's honors classification will be noted in the Commencement program.

**07.3(fs) Educational Reprieve.** Upon petition to the Academic Standards and Advising Committee, a former UNH student who has taken no courses for five or more consecutive years may, prior to readmission to UNH, request "educational reprieve." The procedure permits retention of the previous credit from all courses in which grades of C- or better were earned; but the former cumulative grade-point average, although retained for informational purposes on the academic record, will not be used. A new grade-point average will be started upon readmission. Graduation honors will be based only on the restarted grade-point average, provided a minimum of 64 graded semester hours (32 graded hours in an associate degree program) has been completed at the University subsequent to the reprieve. The notation "educational reprieve" will appear on the student's academic record.

## 08 Library Policies

### 08.1 University Libraries

The University Library on the Durham campus consists of the main Dimond Library which hosts a writing center, academic technology support and media lab, three science branch libraries: the Chemistry Library, the Engineering-Mathematics-Computer Science Library, and the Physics Library and a storage building.

The UNH Manchester Library is located on the Manchester campus. The UNH Law Library is located in Concord. These libraries (UNH-M and UNH Law) may have other policies. Please refer to them for the most up to date information. For detailed information about the UNH Library and its policies go to the website: [www.library.unh.edu](http://www.library.unh.edu) or ask staff at any Library location.

### 08.2 Library Hours

Hours for all libraries are posted on the Library's website ([library.unh.edu/about-us/hours](http://library.unh.edu/about-us/hours)), as are exceptions due to semester breaks, examination periods, etc.

### 08.3 General Policies (ad/ss)

Students are welcome in the libraries during all open hours. Some areas are available for collaborative work while other areas have been designated "quiet zones."

All students wishing to borrow items from the library must show their UNH identification cards or another valid photo ID. A borrower of any library material is held responsible for its return by the due date, or renewal if applicable. In Durham, non-reserve materials may be returned at the Dimond Library, any branch library, or the outdoor book drop at the Thompson Hall parking lot. Reserve materials must be returned to the library location from which they were borrowed. Additional library policies are posted to the library's website (<https://www.library.unh.edu/about-u/policies>)

### 08.4 Borrowing

Most library materials may be borrowed for four weeks but are subject to immediate recall if needed for reserve or if urgently needed by another borrower. A "hold" may be placed on any book in regular circulation. Reserve books circulate for a more limited time and most Special Collections and reference materials do not circulate. Most periodicals may be accessed electronically through the library website ([library.unh.edu](http://library.unh.edu).) Other materials (DVDs, print journals, popular magazines, laptops, media equipment, etc.) may have different borrowing terms.

### 08.5 Fines (ad/ss)

Fines for overdue materials are charged to ensure equal access to materials for all library users. Please refer to Rule 11.22, Failure to Pay University Accounts. The system of fines is established by the Dean of the Library. Books that are damaged or lost will be charged the cost of replacement plus a processing fee. When material is returned within a year and undamaged, the replacement cost will be credited. Anyone who steals or willfully mutilates library materials or property will be subject to disciplinary and/or legal action. NH RSA 202-A:24 Offenses Against Libraries.

### 08.6 Use of Library Computing Technology (ad/ss)

Use of the library's technology resources is subject to acceptance of the library's Acceptable Use Policy and the University's IT Acceptable Use Policy. The Library's policy is posted to the desktop of each library-owned computer and must be agreed to when using any library workstation. The policy can also be found on the library's web site <https://www.library.unh.edu/about-us/policies/acceptable-public-computer-use-policy>.

Violation of the terms of this agreement may result in disciplinary and/or legal action.

## 09 Academic Honesty

Honesty is a core value at the University of New Hampshire. The members of its academic community both require and expect one another to conduct themselves with integrity. This means that each member will adhere to the principles and rules of the University and pursue academic work in a straightforward and truthful manner, free from deception or fraud.

Any attempts to deviate from these principles will be construed as acts of academic dishonesty and will be dealt with according to the rules of due process outlined below.

The value of honesty and the expectation of conduct that goes with it are intended to reinforce a learning environment where students and faculty can pursue independent work without unnecessary restraints. At the same time, the University recognizes its responsibility to encourage and inculcate values and standards of conduct that will guide its students throughout their careers.

The academic honesty policy provides standards of conduct for individuals only. Policies relating to recognized student organizations are described elsewhere. Such organizations, however, are expected to conform to the values and standards that govern their members as individuals within the UNH community. It is expected that students attending the University will conduct themselves in accordance with the rules and regulations of the University. Students must acknowledge the University's right to take disciplinary action, including suspension or dismissal, for failure to comply with the expectations delineated by this policy.

This policy establishes the expectations of the University of New Hampshire for academic honesty and defines situations that constitute academic misconduct related to undergraduate and graduate coursework and undergraduate thesis and research projects. Finally, it presents the due process that follows should misconduct occur.

While it is impossible to list all cases that might arise, the following are provided as examples of academic dishonesty.

### 09.1 Written Classroom Examinations

Presenting the work of other students as one's own, or assisting another student to do so, in a written classroom examination is considered to be cheating. Cheating may also occur when a student violates the conditions governing the examination.

Examples include, but are not limited to the following.

1. Using oral, written, visual, or other form of communication intended to give or receive improper assistance;

2. Looking at or copying another's work;
3. Using unauthorized materials (texts, notes, etc.);
4. Having a surrogate take an exam;
5. Altering your work after an exam has been returned and before resubmitting it;
6. Obtaining and/or using an upcoming exam ahead of time.

### **09.2 Out-of-Class Work**

Collaboration or aid on out-of-class work, when prohibited by the instructor, is considered to be cheating. Such unauthorized activity includes, but is not limited to the following:

1. Receiving outside help on take home exams;
2. Consulting with others about homework, laboratory reports, etc.;
3. Copying another's homework, laboratory reports, etc., and submitting them as your own.

### **09.3 Plagiarism**

The unattributed use of the ideas, evidence, or words of another person, or the conveying of the false impression that the arguments and writing in a paper are the student's own. Plagiarism includes, but is not limited to the following:

1. The acquisition by purchase or otherwise of a part or the whole of a piece of work which is represented as the student's own;
2. The representation of the ideas, data, or writing of another person as the student's own work, even though some wording, methods of citation, or arrangement of evidence, ideas, or arguments have been altered;
3. Concealment of the true sources of information, ideas, or argument in any piece of work.

### **09.4 Misrepresentation**

The deliberate falsification of information substituted in place of the truth is misrepresentation and includes but is not limited to the following:

1. Having another person represent or stand in for oneself in circumstances where the student's attendance and/or performance is required;
2. Leaving a class, laboratory, etc. without permission but after attendance has been taken;
3. Presenting false academic credentials;
4. Having another person author one's written work;
5. Submitting work originally submitted for one course to satisfy the requirements of another course, without prior consent of the current instructor (it is assumed that the current instructor expects the work to be original);
6. Forging or using another's signature;
7. Altering or destroying academic records and documents;
8. Presenting false data, experimental results, or physical results.

### **09.5 Academic Policy**

Violations of academic policy that are considered as academic dishonesty include but are not limited to the following:

1. Removing materials from the library without proper authority;
2. Infringing on the rights of other students to fair and equal access to academic resources;
3. Duplicating course materials expressly forbidden by the instructor;

4. Ignoring or willfully violating class or laboratory instructions or policies.

### **09.6 Computers**

Violations of computer codes of ethics distributed at the University will be considered academic dishonesty.

### **09.7 Procedures for Dealing with Academic Misconduct**

A student shall be informed of any accusation of academic misconduct. The procedure for handling such cases shall be as follows:

1. Individual cases will be handled initially by the instructor of the course concerned, as required by instructors' professional responsibility to assess the performance of their students. The instructor will notify the student of the alleged infraction and what course of action and penalty the instructor believes is appropriate. Situations of honest error are to be considered in this process. The student must be allowed an opportunity to rebut the allegation. The initial notification and conference are to be conducted informally. The chair of the department offering the course should be apprised of any actions taken. The penalty imposed by the instructor may not exceed failure in the course, in which case the student should be informed in writing that a failing grade is being assigned for academic misconduct and that further appropriate action may be taken by the student's college dean. Cases shall be reported to the student's college dean at the discretion of the instructor and department chair, except when a failing grade in the course is assigned for academic misconduct, in which case the student's college dean shall be notified of that fact.
2. Cases involving academic misconduct by students not enrolled in the course in question will be referred to the student's college dean, in which case the procedures detailed in section (1) above will be followed.
3. The student's college dean, when informed of an academic misconduct case as in (1) or (2) may take appropriate further action including suspension or dismissal; however, such action shall not take place before the student has been advised by the dean or the dean's representative in writing in a timely fashion (normally before the semester succeeding the precipitating infraction) of the charges, and not before the student has been given an opportunity to explain or reply to the charges.
4. Any student penalized under those procedures may appeal the decision. In any appeal, the student involved has the right to the presence of an advisor of the student's choice drawn from the University community.

*(a) to appeal an instructor's decision, a written request for appeal must be sent to the student's college dean in a timely fashion, normally within 30 days, unless the student presents evidence of circumstances preventing such a timely response. Normally within two weeks the dean will schedule a meeting with the student to afford the student an opportunity to explain or reply to the charges. A dean's appellate decision can be appealed further to the Academic Standards and Advising Committee, which will consider the appeal only on the basis of procedural irregularities. Any new data or evidence that becomes available will return the case to the student's college dean.*

*(b) In cases where the student's college dean is the primary respondent, or in cases where the student's college dean imposes a significant further penalty beyond that imposed by the course instructor, appeals of the dean's decision must be made in writing and in a timely fashion (as defined in 4(a)) directly to the Academic Standards and Advising Committee. The chair of that committee will respond normally within two weeks by scheduling a hearing to afford the student an opportunity to explain or reply to the charges. In such a case that committee will hear substantive as well as procedural complaints. In any such case the rep-*



*representative of the student's college dean to the Academic Standards and Advising Committee will be excused from the committee's deliberation.*

*As approved by the Faculty Senate (February 25, 1991)*

5. The procedures and standards of the University's Misconduct in Scholarly Activity (MISA) Policy will take precedence over the Code of Conduct and the 09.7 "procedures for Dealing with Academic Misconduct," for purposes of determining whether misconduct was perpetrated in connection with federally-funded research that falls within the purview of the MISA Policy. If a MISA proceeding concludes that a student violated the MISA Policy, the student will be referred for disciplinary action under SRRR Academic Misconduct protocols.

### ***09.8 Reporting***

It shall be the responsibility of the student's college dean to report to the Academic Standards and Advising Committee all actions and all appeals from students resulting from cheating cases.

*Note:* Cases involving graduate students are referred to the Associate Dean of the Graduate School. Appeals of the Associate Dean's decision can be made to the Dean of the Graduate School who may, at the dean's discretion, refer the case to the Graduate Council for review. Students who are dismissed by the Associate Dean and wish to appeal that decision should follow the procedures for graduate students dismissed for academic reasons.

# Administrative Policies and Regulations

## 10 Affirmative Action and Equity Policies

### 10.1 Nondiscrimination Policy

The University of New Hampshire (UNH) seeks excellence through diversity among its administrators, faculty, staff and students. We are committed to enhancing and sustaining an educational community that is inclusive and equitable, and cherish these values as being inextricably linked to our core mission. We are a public institution with a long-standing commitment to equal employment and educational opportunity for all qualified persons. The University does not discriminate on the basis of race, color, ethnicity, religion, sex, age, national origin, sexual orientation, gender identity or expression, disability, veteran status, or marital status, in admission or access to, or treatment or employment in, its programs or activities.

Inquiries regarding discrimination should be directed to:

UNH Director & Title IX Coordinator, Affirmative Action and Equity  
105 Main St., Thompson Hall 305  
Durham, NH 03824  
Telephone: (603) 862-2930 Voice / (603) 862-1527 TTY / 7-1-1 Relay NH  
Fax: (603) 862-2936

or to:

Boston Office  
Office for Civil Rights (OCR)  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: (617) 289-0111  
TDD: (800) 877-8339  
Fax: (617) 289-0150  
Email: OCR.Boston@ed.gov

NH Commission for Human Rights (NHCHR)  
2 Industrial Park Drive  
Concord, NH 03301  
Telephone: (603) 271-2767  
Fax: (603) 271-6339  
Email: humanrights@nh.gov

U.S. Department of Justice (DOJ)  
Civil Rights Division  
950 Pennsylvania Avenue, NW  
Washington DC 20530-0001  
Telephone: (202) 514-4609  
TTY: (202) 514-0716  
Email: askdoj@usdoj.gov

The Director of Affirmative Action and Equity is the Title IX Coordinator for UNH. The time limitations for filing a complaint are: with **UNH**, one year (excepting claims under Title IX and subject to extension); with **OCR**, complaints of discrimination must ordinarily be filed within 180 days of the last act of discrimination. If your complaint involves matters that occurred longer ago than this and you are requesting a waiver, you will be asked why you did not file your complaint within the 180-day period; with **NHCHR**, a charge **MUST** be filed within 180 days of the last date of discrimination.

(Under certain circumstances a charge may be filed up to 300 days from the date of alleged discrimination. If you are beyond 180 days, contact the Commission immediately to find out if you have the basis to file a timely charge.) With **DOJ**, please contact them directly for information.

### 10.2 Policy on Harassment and Sexual Harassment

The University of New Hampshire is committed to establishing and maintaining an environment that puts concern for the dignity of its members among the central ethical dimensions of its intellectual enterprise. Discrimination and discriminatory harassment (including sexual harassment), unjustifiably interferes with members of the academic community and creates a circumstance in which access to education and work is diminished.

The University is committed as well to the free and open exchange of ideas, active discourse, and critical debate so necessary to a university. Accordingly, all members of the University of New Hampshire community have the right to hold and vigorously defend and promote their opinions. The exercise of this right may result in members of the community being exposed to ideas that they considered unorthodox, controversial, or even repugnant.

It is the policy of the University of New Hampshire to uphold the constitutional rights of all members of the university community and to abide by all United States and New Hampshire State laws applicable to discrimination and harassment. In accordance with those laws, all members of the UNH community will be responsible for maintaining a university environment that is free of intimidation and harassment. Therefore, no member of UNH may engage in harassing behavior within the jurisdiction of the university that unjustly interferes with any individual's required tasks, career opportunities, learning, or participation in university life.

The requirements of federal and state law determine the definition of discriminatory harassment. The relevant body of law stipulates that any behavior may be considered to be harassing when: (1) submission to or rejection of such behavior by an individual is used as a basis for employment or academic decisions affecting that individual; or (2) submission to such behavior is made either explicitly or implicitly a term or condition of an individual's employment or academic work; or (3) such behavior has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive environment.

Verbal or physical conduct directed at the complainant's race, color, ethnicity, religion, age, sex, national origin, disability, veteran status, marital status, sexual orientation, or gender identity or expression, is a consideration in the determination of discriminatory harassment. The university will consider the totality of the complaint and its circumstances, the private or public environment of the behavior, the intensity or severity of the actions, the pattern of behavior and the power relationship, if any, between the parties.

Discriminatory harassment does not include comments that are made in the classroom that are germane to the curriculum and a part of the exchange of competing ideas. A single incident that creates a distracting and uncomfortable atmosphere on a given day may not constitute discriminatory harassment. However, isolated or sporadic acts that are severe may. It is possible for a series of individual incidents, each minor in itself, to have the cumulative effect of becoming pervasively harassing behavior.

Factors to be weighed in the determination of discriminatory harassment include conduct that purposefully places or threatens to place another in fear of imminent bodily injury, and threatens to commit any crime against a person with a purpose to terrorize.

Unreasonable interference with an individual's participation in university life may be signified by responses such as: avoiding areas of the campus where the behavior in question typically takes place, academic performance

or work assignments becoming more difficult because of the behavior in question, or leaving the university because of the behavior in question.

In determining whether discriminatory harassment exists, the University will evaluate the evidence from the standpoint of a reasonable person's reaction and perspective under the circumstances presented. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard.

Every instance of alleged discriminatory harassment must be considered in the context of its specific and unique circumstances. However, the following are examples of behaviors that may be judged to be harassing: directing racial epithets at an individual; hanging a noose in an African-American's work place or dormitory; painting a Nazi swastika on the door of a Jewish individual; repeatedly sending unwelcome, sexually-explicit email messages; taunting others about their sexual orientation, disability, or religion; making unwelcome sexual propositions; telling derogatory gender-based or ethnic-based jokes; displaying sexually suggestive objects or pictures in the workplace except as those items may be part of legitimate pedagogical pursuits; giving unwelcome hugs or repeatedly brushing or touching others.

If students believe that they have been harassed, they should take steps to resolve the matter. Those steps may begin with direct, voluntary communication with the person engaging in the behavior in question, in an attempt to resolve the issue. Should the complainant not wish to contact the accused directly, the complainant has the right and is encouraged to pursue procedures that result in an administrative resolution or judgment. Any University community member may contact the Director & Title IX Coordinator of the Affirmative Action and Equity Office with a harassment complaint, including sexual harassment. Alternatively, members of the community may choose to contact any one of the persons listed below, who will serve as a liaison to the Director. Students with complaints against other students may file a complaint with either Community Standards or the Affirmative Action and Equity Office. Complaints against faculty or staff are handled by the Affirmative Action and Equity Office.

Students may find it helpful to contact one of the following depending upon personal circumstances and student status:

- The Sexual Harassment and Rape Prevention Program (SHARPP) Coordinator will act as a confidential support advocate for graduate and undergraduate students complaining of sexual harassment by another student, or by a faculty or staff member.
- The Director of Community Standards will advise students wishing to make a harassment complaint against another student.
- The University of New Hampshire at Manchester's Director of Counseling will advise UNHM students wishing to make a harassment complaint against any member of the UNH community.
- The Dean and the Associate Dean of the Graduate School will advise graduate students wishing to make a harassment complaint against any member of the UNH community.
- The Director of the University Advising and Career Center will advise their students wishing to make a harassment complaint against any member of the UNH community.
- The Director of The Beauregard Center (formerly, the Office of Multicultural Student Affairs) will advise any student wishing to make a harassment complaint against any member of the UNH community.
- The Chief Diversity Officer and the University Commission on Community, Equity and Diversity will advise any community member wishing to make a harassment or sexual harassment complaint against any other member of the UNH community.

Reprisals or retaliation against any person bringing a complaint through this process will not be tolerated, no matter whether the complaint is ultimately judged to be consistent with the criteria determining harassment or inconsistent with the criteria determining harassment. The university will

pursue administrative action against those found to have retaliated against any individual participating in the complaint process. Also, the bringing of capricious or reckless complaints will not be tolerated.

The Discrimination and Discriminatory Harassment Policy identifies (1) protected categories, (2) clarifies the process for addressing certain complaints against university employees, and (3) incorporates various updated legal requirements. Please consult the on-line version of this policy at <http://usnholpm.unh.edu/UNH/V.Pers/B.htm#5> or for a copy of the Discrimination and Discriminatory Harassment Policy booklet, contact the Affirmative Action and Equity Office by phone at 862-2930 V/TTY.

### 10.3 UNH Policy on Nonsexist Language

On July 13, 1984, the University of New Hampshire issued the following bylaw entitled Policy on Nonsexist Language which reads:

The University of New Hampshire, as an equal opportunity educational institution, is committed to both academic freedom and the fair treatment of all individuals. It, therefore, discourages the use of language and illustrations that reinforce inappropriate and demeaning attitudes, assumptions, and stereotypes about sex roles. Accordingly, all official University communications, whether delivered orally or in writing, shall be free of sexist language.

Compliance with this policy shall be the responsibility of appropriate supervisory personnel. Concerns or questions regarding the implementation of this policy can be directed to the Director & Title IX Coordinator of the Affirmative Action and Equity Office at (603) 862-2930 Voice / (603) 862-1527 TTY. Copies of this policy and suggested guidelines for the use of nonsexist language will be available from the Affirmative Action and Equity Office and the President's Commission on the Status of Women at (603) 862-1058.

Relay NH: 800-735-2964

## 11 University of New Hampshire Hazing Policy

Hazing is not permitted and is defined by the University of New Hampshire as an act directed toward a student, or any coercion or intimidation of a student to act or to participate in an act, for the purpose of initiation or admission into, affiliation with, or as a condition for continued membership in, a group or organization, when (1) such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; or (2) destroys or removes public or private property.

Any student or organization found responsible for hazing within the jurisdiction of the UNH Code of Conduct is subject to sanctions imposed by a Hearing Officer through Community Standards.

New Hampshire State Law. In addition to University policy, NH RSA 631:7 makes it a crime for an individual or organization to participate in "student hazing" or to fail to report incidents of student hazing.

If you are unsure as to whether or not an activity would be considered inappropriate or if you believe you have witnessed or been a victim of hazing, you can contact any of the following offices for assistance. Office of Residential Life at 603.862.2268, Memorial Union Building at 603.862.4600, Dean of Students at 603.862.2906, Affirmative Action and Equity Office at 603.862.2930 or TTY 603.862.1527, ROTC Air Force at 603.862.1480, Army ROTC at 603.862.1078, Department of Athletics at 603.862.4051, Office of Student Organizations & Leadership at (603)862-4764 or Office of Greek Life (603.862.1002) To anonymously report inappropriate behavior and/or allegations of hazing, please contact the Hazing Hotline at (603) 862-3686 or the Director of Affirmative Action and Equity ([www.unh.edu/affirmativeaction](http://www.unh.edu/affirmativeaction)). AD/July, 2012.

\* All references to the online policy manual (ex: BOT IV F 11.1) can be accessed at <http://usnholpm.unh.edu>.

## 12 Financial Responsibilities

Please check the following url for changes made to this policy after the *Student Rights, Rules, and Responsibilities* went to press: <http://usnh.edu/OLPM/BOT/IV.Fin/E.htm>.

### 12.1 Classification of Students for Tuition Purposes (Residency Rules)

**Basic Rule.** All students enrolled in credit-bearing programs in any division of the University System of New Hampshire in any capacity shall be charged tuition at a rate to be determined by their domicile. Those domiciled within the State of New Hampshire shall pay the in-state rate. Those domiciled elsewhere shall pay the out-of-state rate.

**Definitions.** “Parent” means the individual or individuals named on the student’s birth certificate; or the student’s legal guardian or legal custodian provided that there are no circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on the unemancipated person; or individuals who can claim the student as a dependent on their IRS 1040 tax return.

“Domicile” means an individual’s true, fixed and permanent home and place of habitation, to the exclusion of all others. It is the place where the individual intends to remain and to which they expect to return when they leave without intending to establish a new domicile elsewhere.

“Veteran” means “veteran” as defined in RSA 21:50, I.

**Determination of Student Status.** Students shall be classified as in-state or out-of-state for tuition purposes at the time of their first admission to the University System unit. The decision shall be made by the dean or director of admissions of the appropriate division in the first instance based upon information furnished by students’ applications and other relevant information available to the dean or director.

**Application Forms.** Individuals applying for in-state status for tuition purposes at the same time they are applying for admission shall complete and submit the form “Notarized Residency Statement for New Hampshire Residents,” which shall include a sworn statement certifying that the applicant is legally domiciled within the State of New Hampshire and is a lawful resident of the United States. In the event the campus residency officer possesses facts or information indicating that a student’s status should be changed from in-state to out-of state, whether or not the information was received from the student in compliance with notification requirements set forth in BOT IV.E.13, the campus residency officer can require submission of additional information establishing domicile from any in-state student prior to the commencement of each semester the student plans to attend the university system unit.

**Burden of Proof.** In all cases of application for in-state status for tuition purposes, the burden of proof shall be on the applicant. At the applicant’s request the dean or director of admissions shall state the reason or reasons for the decision in writing.

**Determination of Domicile.** Individuals shall not be eligible for in-state status unless they have been domiciled within New Hampshire for 12 consecutive months immediately preceding registration for the term for which in-state status is claimed and meets all other requirements for domicile.

In accordance with RSA 187-A:20-c, any veteran of the armed forces who establishes a residence in New Hampshire shall be eligible for the in-state rate immediately, and the twelve-month waiting period for establishing domicile shall not apply.

Unemancipated individuals shall not be eligible for in-state tuition status unless their parent(s), as defined in BOT IV.E.2.1, shall have established domicile in this state.

Individuals shall not be eligible for in-state tuition status unless they establish that their residence in New Hampshire is for some purpose other than the temporary or primary one of obtaining an education.

When individuals have established eligibility for in-state tuition based on a parent’s domicile and the parent subsequently establishes domicile outside of New Hampshire, that individual shall be eligible for in-state tuition for one academic semester following the academic semester during which the parent established out-of-state domicile. Individuals shall notify the campus residency officer of any changes affecting their eligibility for the in-state tuition rate, pursuant to BOT IV.E.13.

All evidence relevant to determining domicile shall be considered, including the following, which shall be relevant, but not necessarily conclusive:

- Payment or non-payment of any tax levied by the State of New Hampshire or any political subdivision on persons resident or domiciled thereon;
- Residence reported on any federal or state tax return;
- Registration of one’s automobile;
- State issuing one’s driver’s license;
- Receipt of support from parents who are resident or domiciled outside the State of New Hampshire;
- Voting residence;
- Claim by any non-resident parent that the applicant is a dependent for tax or any other financial purpose;
- Regular departure by an applicant from the State of New Hampshire during recesses or vacations from the University System unit;
- The filing of any claim for benefits under any policy of insurance or any federal, state or local benefit legislation based on residence or domicile outside the State of New Hampshire; or
- Status in some other state which would qualify a person for in-state tuition in that state.

**Emancipation.** Individuals shall not be deemed to be emancipated unless their parent(s), as defined in BOT IV.E.2.1 above, have entirely surrendered the right to the care, custody and earnings of such individual and unless their parent(s) are no longer under any legal obligation to support or maintain such individual or, having supported and maintained such individual even though under no legal obligation to do so, has ceased to support or maintain such individual. Emancipation shall not be found unless all such tests are met.

Evidence of the following shall be submitted by an applicant and requested by the dean or director of admissions:

- Lack of financial support of the person by the parents;
- Lack of contribution by the parents to any earnings or other income received by the person;
- Failure of parent(s) to claim the person as a dependent on their income or other tax returns;
- Establishment by the person of a domicile separate and apart from that of the parent; and
- Failure of the person to return to the home of the parent during vacations and other recesses from school.

**Presumptions.** Unless the contrary appears to the satisfaction of the dean or director of admissions in individual cases, the following presumptions shall prevail:

- Students shall be presumed to be emancipated from their parent(s) when they reach the age of 24.
- The domicile of unemancipated individuals shall be that of their parent(s), as defined in BOT IV.E.2.1.
- The domicile of individuals who first enter the University System from the domicile of their parent(s), as defined in BOT IV.E.2.1 above, shall be that of the parent(s) until they abandon such domicile and, for purposes other than that of education, acquire a new domicile;
- The domicile of individuals who first enter the University System from a domicile other than New Hampshire shall be such a domicile until they abandon such domicile and, for purposes other than that of their educa-

tion, acquire a new domicile.

- Attendance at a unit of the University System or at any other educational institution in this state in itself shall not be evidence of intention to establish or establishment of a domicile in this state.

**Waiver.** Nothing contained in these rules shall preclude the dean or director of admissions or campus residency officer from waiving any requirements hereof under special circumstances in individual cases. Waivers shall not be routinely granted.

**Military Personnel.** Members of the Armed Forces of the United States stationed in this state under military orders shall be entitled to classification for themselves, their spouses, and their dependent children as in-state for tuition purposes so long as the member remains on active duty in this state pursuant to such orders.

Individuals receiving educational assistance under 38 U.S.C. § 3001 et seq. or 38 U.S.C. § 3301 et seq., including children or spouses of active service members or veterans eligible for educational assistance under 38 U.S.C. § 3311(b)(9) or 38 U.S.C. § 3319, shall be eligible for the in-state rate while living in this state.

**Review of Student Status.** Students who are aggrieved by the decision of the dean or director of admissions classifying them as an out-of-state student for tuition purposes may appeal to the campus residency officer on forms and in accordance with procedures which shall be made available to the student in the office of the dean or director of admissions. Any student aggrieved by the campus residency officer's decision may appeal that decision to the University System's Residency Appeals Board (the "Board").

Students may present to the Board such additional evidence as they deem appropriate in processing the appeal and may appear before the Board and be heard. The decision of the Board shall be the final decision of the University System.

The University System Residency Appeals Board shall be comprised of four members who shall be designated by the presidents of each of the System's institutions. At the first meeting of each academic year, the Board members shall designate one member to serve as chair for the remainder of the academic year and until a successor has been designated for the following year. The chair may delegate authority to chair particular meetings of the Board to any member of the Board.

**Change in Status.** Students who have, on their first admission to the University System, been classified as out-of-state for tuition purposes may apply to the campus residency officer for a change in status.

Students applying for a change in status shall file their applications with the campus residency officer prior to the first day of the semester for which they are seeking the in-state tuition rate. Applications shall be considered in the chronological order in which they are presented. No changes approved during a semester shall be effective until the beginning of the next following semester. However, where a change of status from out-of-state to in-state has been denied by the campus residency officer prior to the commencement of a semester, and that decision is reversed by the Residency Appeals Board during the semester, the student's status shall be effective as of the commencement of the semester.

In the event the campus residency officer possesses any fact or information indicating that a student's status should be changed from in-state to out-of-state, the student shall be informed in writing of the change of status. The student can appeal the decision of the campus residency officer as set forth in BOT IV.E.11.1. No such change made by the campus residency officer after the commencement of any semester shall be effective until the beginning of the next semester. Change to out-of-state status made by the campus residency officer prior to the commencement of any semester, but reversed during the semester by the Residency Appeals Board shall be effective as of the commencement of the semester.

**Student Responsibility to Notify Institution of Changes in Status.** It shall be the responsibility of students on all campuses to notify the campus residency officer of any change in their eligibility for the in-state tuition rate as a result of:

- Change in the domicile of their parent(s); or
- Change in their own domicile.

Failure to notify the campus residency officer of any changes affecting eligibility for the in-state tuition rate shall subject a student to disciplinary action under the provisions of the code of student conduct or to such actions that may be available under law, or both.

## 12.2 Mandatory Fees

The University of New Hampshire assesses mandatory fees to support expenses associated with the participation in an academic community. Mandatory fees are defined as fees which all students are assessed as a prerequisite for registration unless specifically exempt. Mandatory fees are assessed because the services made available through such fees benefit the overall educational experience of the students, including academic, co-curricular, health-related, and recreational programs. It is recognized that not all students will use the benefits and privileges made available by fee-supported activities to an equal extent. The services and facilities supported by fees are available to all. The special circumstances of part-time and graduate students are reflected in the University's fee structure.

**Fee Structure.** Full mandatory fees are assessed to undergraduate (registered for 12 or more credits) and graduate students (registered for 9 or more credits), national student exchange students, doctoral research and master's continuing research students. Undergraduate students registered for 5-11 credits and graduate students registered for 5-8 credits are assessed one-half of the cost. Students registered for 1-4 credits are assessed only the technology fee. Students enrolled in Manchester campus programs pay Manchester mandatory fees and a technology fee. UNH Law students pay a UNH Law student activity fee and a technology fee. Students enrolled as non-degree full-time special students (12 or more undergraduate credits or 9 or more graduate credits) pay full mandatory fees.

### The mandatory fees include:

- Memorial Union fee for the use and administration of the student union
- Campus Recreation fee for support of recreation facilities and programs
- Student activity fee for support of the undergraduate newspaper, yearbook, student government, student radio station, and other student organizations
- Athletic fee to provide support for athletic programs
- Health & Wellness fee to provide general well-being services through Health & Wellness
- Technology fee to provide electronic tools to students both on and off campus
- Transportation fee to provide students transportation services, including select infrastructure improvements, transit service, pedestrian and bicycle facilities, and ride services
- SHARPP fee to support the University's efforts to address issues of sexual and domestic violence
- Career and Professional Success to prepare students for successful lives after graduation.

Students who withdraw or drop to part-time status after classes begin are eligible for partial refund of fees. (100% will be refunded until the second Friday of the semester; 50% after the second Friday and until the fifth Friday; and none thereafter).

### **Exceptions to the University of New Hampshire Mandatory Fee Policy (This covers all UNH Campuses)**

The immediate geographic area is defined as a 25-mile radius around the Durham or Manchester campus.

Students whose courses, field work, internships or other academic work are fully outside the immediate geographic area for a semester may petition for a waiver of mandatory fees, with the exception of the Technology fee, Career & Professional Success (CaPS), Psychological & Counseling Services (PACS)/Mental Health fee and UNH Manchester registration fee. Mandatory fees for students participating in UNH Study Abroad Programs are waived through the billing process, with the noted exceptions.

The University will use course registration information to verify remote status.

UNH Law students are assessed a UNH Law student activity fee and a technology fee. There is no provision for mandatory fee exceptions for UNH Law students in this policy since no student is fully remote.

All Durham graduate students are exempt from the student activity fee and athletic fee. Graduate students enrolled in pre-designated evening-only programs, as approved by the Provost and Vice President for Academic Affairs or their designee, are exempt from the Health & Wellness and the Psychological & Counseling Services fees.

Doctoral students who have achieved candidacy may petition for a waiver of the mandatory student fees, with the exception of the Technology fee, under the condition that the students must confirm in writing that they will not be using the campus services covered by mandatory fees.

For graduate students on assistantships, mandatory fees are noted in the appointment letters.

Students must submit petitions each semester to waive fees.

#### **Authority**

Any conflicts resulting from this procedure will be adjudicated by the Provost and Vice President for Academic Affairs and the Chief Financial Officer or their designee.

(Approved by Deans Council, May 10, 2005)

(revised August 27, 2010)

(revised May 10, 2011)

(revised July 2, 2019)

(revised May 2021)

### **12.3 University Accounts**

**12.31 Payment of University accounts.** Tuition and fees are due in full each semester before the first day of classes. Due dates are indicated on billing statements.

UNH bills are sent electronically only. Bills are posted to student Webcat accounts. Students may authorize parents or others to access their account information by setting up Parent Portal accounts. Billing notifications are sent to UNH-assigned email addresses when new bills are posted. Students are responsible for monitoring their UNH email addresses.

Mandatory fees partially fund various programs and services which are available to all students. Students are required to pay all mandatory fees charged regardless of actual usage of the programs and services.

Student accounts which are not fully paid by the payment due date specified on the tuition bill will be assessed late fees. Students who register after the payment due date are expected to pay tuition and fees at the time of registration. Graduate students' tuition and fees are payable at registration and graduate students are not considered registered until their accounts have been paid. If a check tendered in payment is returned unpaid by the bank

upon which it was drawn, the student will be assessed a returned check fee.

**12.32 Failure to pay University accounts.** All university bills must be paid before a student is permitted to register for the ensuing semester, to graduate, to receive any credit for courses taken and to receive transcripts. Any student who does not clear outstanding debts will be considered as not having completed registration, will have all enrollments for the current semester deleted, and will be held liable for bills under the refund policy (12.34). Students who are eligible to graduate must have all bills paid before they can receive a diploma and/or an official transcript.

Student accounts remaining unpaid more than 30 days after termination of student status for any reason may be liable for interest and collection charges.

**12.321 Loan defaults.** Former students who have not made the required payments (i.e. "defaulted") on government-backed and/or campus-backed loans will not be permitted to register for classes, to graduate, to receive any credit for courses taken, or to receive transcripts. Please contact Business Services, Stoke Hall. (Some examples of government loans are Perkins, Direct Loans; some examples of UNH loans are UNH Institutional Loans, UNH Temporary Loans, UNH Emergency Loans.)

**12.33 ROTC uniform and equipment charges.** Students will be billed for the value of articles issued to them that are lost, damaged, or not returned. Failure to pay such charges shall be processed under 12.32, Failure to Pay University Accounts.

#### **12.34 Refund of University charges**

**12.341 Refund of tuition and fees.** Students who withdraw or drop to part-time are eligible for partial refund of tuition and fees. One hundred percent of tuition, mandatory fees and course fees will be refunded until the second Friday of the semester; one-half after the second Friday and until the fifth Friday; and none thereafter. (See 03.3). This refund policy also applies to students reducing their credit load from full to part-time.

Students receiving Title IV financial aid will be refunded based upon the schedule noted above. Some portion of financial aid may be returned to the financial aid program in accordance with the Title IV regulations in effect at the time of withdrawal from the University or drop from full-time to part-time status.

The UNH refund policy does not apply to students who withdraw from off-campus programs or programs which use nonstandard semester calendars. Since these programs have their own refund policies, students who withdraw will be subject to the refund policies and terms of their specific programs.

**12.342 Refund of board payment.** Refunds on board plans will be granted only upon management approval or withdrawal from the University. If approved, Unlimited Meal Plans will be refunded based on the following: weeks and partial weeks attended will be charged at the weekly rate. Unused Dining Dollar balances will be refunded. Block plans will be refunded for all unused meals. Meals eaten will be charged at the highest prevailing price.

**12.343(ad/ss) Housing policies: payment/cancellation/refund.** Please refer to Room & Board Agreement.

### **12.4 Financial Aid to Students**

The Financial Aid Office website outlines procedural requirements for undergraduate financial aid and all eligibility criteria for federal and state financial aid programs and University tuition grants and scholarships. The University's financial aid program is one in which the basic philosophy for eligibility is the student's financial need.

University gift aid consists of grants and scholarships. Grants are based on financial need and are awarded to both resident and nonresident students from funds budgeted yearly by authority of the Board of Trustees. Scholarships are awarded on the basis of any of the following: scholastic achievement, requirements established by a donor, financial need. Scholarships that

are based on academic merit are subject to renewal criteria including academic performance (typically reflected by a cumulative GPA of at least 3.20) and a record of good citizenship. Rule 12.31 applies to students who receive University gift aid.

**12.41 Eligibility.** All degree students are eligible for consideration for financial aid. To be considered for financial aid, a student must annually submit appropriate financial aid application material to the Financial Aid Office.

**12.411 Minimum credits.** For the award and/or continuation of University grants or loans, a student must be a registered degree candidate.

## 13 Health & Wellness

### 13.1 General Policies

**13.11 Student responsibility (ad/ss).** When a student becomes ill or has a significant health concern, the student is urged to contact Health & Wellness.

### 13.2 Scope of Health & Wellness

**13.21 Services available.** The University has a nationally-accredited health and wellness program. Health & Wellness works with the campus community to create a culture of well-being for all of its members.

Medical care is provided for routine, acute and chronic issues. Services are available for contraception, gynecological health care, and limited sexual assault services, allergy/immunizations, medical care for mental health issues, international travel clinics, and after-hours care. Ancillary services include laboratory, pharmacy, and radiology. A health resource nurse assists with public health issues/concerns as well as students' individual health concerns.

Living Well Services coordinates health promotion activities on campus. Provided are: programs and individual/group support to promote healthy lifestyle choices, nutrition counseling, stress management, sleep/wellness coaching, sexual well-being education/counseling, mindfulness and meditation, biofeedback, light therapy, massage therapy, nicotine cessation services, and alcohol and other drug education/counseling.

Health & Wellness has primary responsibility for tracking illnesses, educating the community about prevention and responding to communicable disease outbreaks and other threats to health.

### 13.3 Fees and insurance

**13.31 Fees (ad/ss).** Student health care is paid for through a combination of a required Health & Wellness fee, health insurance, and/or direct payment of fee-for-services. The Health & Wellness fee covers all office visits, including many outpatient primary care needs, as well as many Living Well Services that are obtained at Health & Wellness. However, charges not covered by the Health & Wellness fee are the responsibility of the student. Students should check with the Health & Wellness Business Office with any questions.

**13.311 Fee Policy.** Payment of the UNH Health & Wellness fee is required of all full-time students who are enrolled in 5 or more credit hours. See <https://www.unh.edu/business-services/tuitug> or <https://www.unh.edu/business-services> for more information on fees.

**13.312 Fee Waiver Policy.** Waivers of required fees are rare and may be granted only in extreme circumstances. The services and facility are available to all; the extent to which a student uses them is not a factor by which assessment is determined.

**13.313 Health Insurance.** The University requires full-time degree students to have health insurance as a condition of enrollment. Student health insurance is separate from the Health & Wellness fee. It provides health care coverage beyond the care and services covered by the Health & Wellness fee,

e.g. local specialist or hospital care. Information regarding health insurance can be found at [unh.edu/shbp](http://unh.edu/shbp). International students with F1 or J1 Visas are required to purchase the Student Health Benefits Plan sponsored by the University. This plan provides coverage for 12 consecutive months effective September 1 of each year.

**13.314 Unpaid Accounts.** Health & Wellness accounts unpaid 45 days after service is received are transferred to the University Business Office for collection and are handled as any unpaid University account.

**13.32 Office Hours of Health & Wellness (ad/ss).** Office hours are available on the Health & Wellness website: [unh.edu/health](http://unh.edu/health).

**13.33 Urgent care outside of regular clinic hours (ad/ss).** For fee-paying students, after-hours care is facilitated through a medical call center. Students are connected to trained staff and registered nurses who may offer care advice and/or refer to local health care providers or hospitals.

### 13.4 Students' Bill of Rights and Responsibilities

Students' Rights and Responsibilities specific to Health & Wellness are published on the Health & Wellness website, [www.unh.edu/health/patients-bill-rights-and-responsibilities](http://www.unh.edu/health/patients-bill-rights-and-responsibilities).

### 13.5 Notice of Privacy Practices

Health & Wellness is committed to protecting the privacy of its patient's health information. Please read Health & Wellness' Notice of Privacy Practices at <https://www.unh.edu/health/about-us/policies-forms> to understand how a patient's medical information may be used and disclosed and a patient's rights regarding this information.

Questions concerning your rights and responsibilities as a patient/client at Health & Wellness should be directed to:

Kathleen Grace-Bishop  
Health & Wellness  
4 Pettee Brook Lane  
Durham, NH 03824  
Phone: 603-862-1098; Fax 603-862-4259

## 14 Residential Rules and Regulations (ad/ss)

Every student residing in University housing must abide by all provisions of the *Student Rights, Rules, and Responsibilities* and the University of New Hampshire Room and Board Agreement. Eligibility for on-campus housing, terms of the Agreement, use of dwelling and grounds, Payment/Cancellation/Refunds, Resident Meal Plans and dining hall ID policies and University housing community standards are some of the topics contained within that document.

## 15 Dining Hall Policies

### 15.1 Students in Residence Halls

All students who reside in University housing (except Babcock Hall or Gables and Woodside apartments) are required to purchase a meal plan from the designated mandatory choices. There are no exceptions to this requirement. The Core, Campus and Campus Premier meal plans satisfy the requirement. The same meal plan will be billed for Spring semester when a student resides in a residence hall unless a Meal Plan Change Form is submitted to UNH Dining. See [www.unh.edu/dining](http://www.unh.edu/dining) for the latest information about meal plans and services.

Residents must designate the meal plan of their choice prior to July 1 for Semester I and prior to the second Friday in November for Semester II. Failure to specify a meal plan choice will be an indication of acceptance of the minimum mandatory meal plan for residents, currently the Core Plan. The last day for making downgrades to your meal plan is the 2nd Friday of each semester. Resident meal plans are valid on

the official opening day and ends on the last day of final examinations.

### **15.2 Specific Nutrition Concerns**

Students with specific nutrition concerns or medically restricted diets should meet with UNH Dining's registered dietitian to review options for dining hall reasonable accommodations. UNH Dining endeavors to provide a wide variety of nutritious food options to meet all needs.

Should the decision be that the dining program is not able to accommodate specific needs, the student should consider alternate housing, either in a University apartment or off-campus housing without a meal plan requirement. Meal plans are a requirement for all who reside in residence halls and exceptions are not granted.

UNH Dining makes every effort to ensure that recipe ingredients are communicated to all who want to know. Ingredient information and nutritional analysis of recipes are available on the Web at [unh.edu/dining](http://unh.edu/dining). Recipes and ingredients change frequently. It is the responsibility of guests with food allergies or specific nutrition concerns to make the judgment as to whether or not to eat a specific food item. Please ask questions about ingredients to any Dining associate.

### **15.3 Voluntary Meal Plans**

Commuters and those who live in the University apartment complexes or Babcock Hall may choose either a swipe plan or an unlimited plan. See [unh.edu/dining](http://unh.edu/dining) for the latest information about meal plans. The last day for cancellations, changes and refunds is the second Friday of the semester in which the meal plan was purchased.

### **15.4 Meal Plan Rates**

Meal plan prices are available from the Dining Office, at [unh.edu/dining](http://unh.edu/dining) or at Housing sign-up. The University reserves the right to change rates at the beginning of a semester based on trustee approval. UNH Dining will provide as much advance notice as possible regarding rate changes. Students will be charged the meal plan price in effect at the time of billing.

### **15.5 Refunds**

Refunds on meal plans after the second Friday of each semester will be granted only with management approval or withdrawal from the University. If approved, Unlimited Meal Plans will be refunded based on the following: weeks and partial weeks attended will be charged at the weekly rate. Unused Dining Dollar balances will be refunded.

### **15.6 Meal Hours**

Meal hours are posted in the residence and dining halls each semester and at [unh.edu/dining](http://unh.edu/dining). Students are responsible for allowing time for meals in their class and work schedules. Only specified dining halls will be open on weekends and during other periods of reduced activity or during curtailed operations.

### **15.7 Removal of Food and Equipment**

Food served in the dining halls is available on an "all you care to eat" basis. Food can be taken out of the dining halls only through the "Green Box" take-out program. Violation of this policy can result in a \$25 fine and/or loss of dining privileges. At the retail locations, all food must be paid for before being consumed.

### **15.8 Items Prohibited From Dining Halls**

Backpacks and other satchels are not allowed in the dining halls for the safety of patrons and staff. Only approved beverage containers are allowed. All other bottles, mugs and containers are prohibited. The University of New Hampshire is not responsible for lost or stolen items. Animals (except for service animals) are not permitted in the food service or dining hall areas. For additional information, see the Dining Services Policy regarding

Animals in Food Service Areas. If you have questions about that policy you may contact Student Accessibility Services.

## **16 University ID Cards**

### **16.1 Use of Identification**

The primary purpose of the UNH ID card is to identify the cardholder as eligible for the various programs and privileges UNH provides. The ID card remains the property of the University. You may be asked to produce it at any time to validate your presence in or access to buildings and programs including meal plans and debit programs. Your UNH ID card is not transferable. A photo ID card will be confiscated when presented by someone other than the owner. Misuse of the card will result in penalties to all parties.

### **16.2 Lost ID Cards**

Lost or stolen ID cards should be reported immediately to the Dining and ID office (603) 862-1821 or suspended instantly at <https://eacct-catscache-sp.transactcampus.com/eAccounts/CardServiceCardDeactivate.aspx>. You are responsible for any use made of your card until it is reported lost or stolen and suspended. Only the balance of meals, Dining Dollars, Cat's Cache and guest passes on the card at the time of suspension can be protected. Until your ID is replaced, you will not have access to the balances and privileges encoded on the card. A charge of \$25 is made to replace a lost, stolen or mutilated photo ID card. A charge of \$15 will be made to replace a lost, stolen or mutilated non-photo dining card. The area desks maintained by the Department of Housing can issue temporary cards allowing access to residence halls.

### **16.3 The Cat's Cache Program**

The Cat's Cache debit program is a convenient way to make purchases. It is accepted at all UNH Dining locations, the Memorial Union (including the bookstore), Health & Wellness, many other campus locations, and many businesses in downtown Durham and beyond. Cat's Cache balances carry forward from year to year and are fully refundable upon request without penalty; but the entire balance must be refunded at once. After students have graduated or left UNH, any remaining Cat's Cache balance of \$10 or more will be refunded to the student account. Accounts of graduated and withdrawn students are typically closed no later than 90 days after separation from UNH. A refund of any balance under \$10 will be waived unless the student requests that refund before the account is closed. Refund requests for Cat's Cache balances under \$10 should be made at the UNH Dining & ID Office located in Room 211 Memorial Union Building. Cat's Cache accounts have no minimum balance and no fees of any kind. Deposits can be made with cash or check in the Dining ID office, online at [www.unh.edu/dining](http://www.unh.edu/dining) with a credit or debit card or at one of nine conveniently located Account Management Centers with cash or a credit or debit card. Purchases of alcohol, tobacco, tanning, firearms, weapons and any other incendiary and/or destructive devices are prohibited.

### **16.4 Dining Dollars**

Dining Dollars are available to anyone. When using Dining Dollars you receive a 5% discount on your purchase. Dining Dollars are accepted at Philbrook, Stilling, Holloway Commons, MUB Union Court, Cornerstone Cafe, Wildcatessen, UNH Dairy Bar, Zeke's, Albert's, and Philbrook café. Dining Dollars may also be used in campus vending machines and Dunkin' Donuts, but the discount does not apply. Dining Dollars are valid during the academic year of purchase only. Balances carry over from Fall Semester to Spring Semester but expire at the end of meal service in May. Dining Dollars are not refundable.

### **16.5 Dining Access**

Access to Holloway Commons, Philbrook Dining Hall and Stillings Dining Hall for all meal plan holders is via a biometric finger/vein scanner at the entrance to the dining hall. Finger/vein scanning is mandatory for



unlimited and swipe meal plan holders and meals are not transferable. Any attempt to gain entrance for multiple persons is prohibited. Such fraudulent actions will result in penalties to all parties. Dining Dollars (encoded on your UNH photo ID Card), Cat's Cashe, Cash, Credit Card and Apple Pay are also accepted.

## 17 Intercollegiate Athletics (ad/ss)

### 17.1 Certification and Eligibility

The UNH compliance staff is responsible for compiling and verifying the data that the institution's Eligibility Committee relies upon to certify the eligibility of all student-athletes for practice, competition, and athletically related financial aid in the intercollegiate athletics program, which operates under the terms and conditions of the bylaws of the NCAA and member conferences. Students enrolled in the Thompson School are not eligible for participation in intercollegiate athletics, under NCAA rules, since it does not offer a program of studies leading to a baccalaureate or equivalent degree as defined by the institution.

### 17.2 Funding

It is the policy of the University of New Hampshire that both men and women student-athletes have equitable access to funds for athletic scholarships for participation in intercollegiate athletic programs. Criteria and procedures for awarding such scholarships shall be formulated by the director of the Department of Intercollegiate Athletics (University Senate; March 17, 1975).

### 17.3 Intercollegiate Athletics

The University is a member of the National Collegiate Athletic Association, the America East Conference, the Colonial Athletic Association, Hockey East, Eastern Atlantic Gymnastics League, Eastern College Athletics Conference, and Eastern Intercollegiate Ski Association and is governed by those rules and regulations that are on file in the Intercollegiate Athletics Office in the Field House.

### 17.4 UNH Policy on Scheduling of Games and Practices

**Preamble**—The University of New Hampshire, first and foremost, is dedicated to the promotion of learning and scholarship, and to meeting the public need for educated citizens. The University achieves that goal by completing its three-fold mission of teaching, research, and public service. UNH also values the role played by athletics in the life of the community. Student-athletes are representatives of the University in intercollegiate competition, and their athletic and academic excellence brings credit to UNH. The University recognizes that student-athletes must balance the demands of their sport with the academic obligations they assume when they enter an institution of higher learning. The following policy is designed to acknowledge that challenge, and to assist the student athletes, as well as faculty members, coaches, and administrators, in managing conflicts that could arise between the legitimate demands of both academics and athletics.

#### A. Policy on Games During Academic Semester:

1. UNH student-athletes have the responsibility of notifying each of their instructors before the end of the period for adding classes about any possible conflict between scheduled class meetings, exams, or assignment due dates, and scheduled athletic contests, especially those involving travel off campus. Such notification shall be in writing or by electronic mail, and shall include specific information about the dates the student will not be in class, nor available for an exam. Student-athletes are responsible for completing all reading, and acquiring all lecture notes and other material introduced in the class during their absence.
2. UNH faculty are requested to be flexible and offer reasonable accommodations for student-athletes whose schedule of intercollegiate athletic contests requires them to be absent from class, or miss scheduled quizzes, exams, or assignment due dates. The specific accommodation offered shall be determined by the faculty member, but might include

make-up quizzes, alternate due dates, or rescheduling of exams. The faculty member retains the right to make the final determination about course scheduling, academic requirements, and assignment due dates. However, given that student-athletes represent the University when participating in competition away from campus, absence by student-athletes resulting their from travel to, or participation in a regularly-scheduled intercollegiate athletic contest, about which the faculty member has been properly notified, shall not incur an academic penalty (i.e., lower grade), even when a portion of the grade in a course is based on attendance.

3. Except for absences resulting from travel to, or participation in regularly-scheduled intercollegiate athletic contests about which the instructor has been properly notified, UNH student-athletes shall have the responsibility of attending class, sitting for exams, and meeting assignment due dates on the same schedule as other students enrolled in the same course, and may be penalized for absences other than those resulting from such travel or participation.

#### B. Policy on Practices During Academic Semester:

1. NCAA Bylaw 17.1.7.10.2 indicates that no class time shall be missed for practice activities except when a team is traveling to an away-from-home contest and the practice is in conjunction with the contest.
2. No faculty member may excuse UNH student-athletes from class, or from an exam, quiz, or assignment, because of a conflict with regularly-scheduled athletic practices. If it becomes apparent that such conflicts will occur regularly during a semester, the student-athlete should consider dropping a course, or otherwise altering their academic schedule to avoid excessive absences.
3. Student-athletes should notify coaches as soon as possible of any conflict that arises between an academic obligation (such as a common exam) and regularly-scheduled practices, when such conflicts cannot be resolved first through consultation with the course instructor involved.
4. Student athletes are required to attend class as provided by paragraph 17.4.B.1. UNH coaches shall have the option of excusing a student-athlete from a scheduled practice for other academic reasons. Coaches are encouraged to be flexible in considering conflicts that occasionally arise between the academic and athletic obligations of the student-athlete. The decision regarding excused release from practice for other academic purposes shall be made by the coach, and not by the student-athlete or faculty member involved. Except during final exams, no UNH athletic coaches shall be required to alter their regular practice schedule, or excuse an athlete from practice, to accommodate the academic schedule of a student-athlete.
5. In the event of an unresolvable problem, ultimately student-athletes are responsible for deciding what is in their best interest, and accordingly determining the outcome of all conflicts between academic and athletic obligations.

#### C. Policy on Game Scheduling During Exams:

1. The Department of Athletics, in cooperation with the Coaches of UNH intercollegiate teams and their respective conferences, should make every effort to avoid scheduling games or meets during the period of final exams for both Fall and Spring Semesters.
2. Notification of the UNH final exam schedule, along with a copy of this policy, should be forwarded to the various athletic conferences as soon as the exam schedule is made available by the University.
3. Because conflicts may occasionally arise between the UNH exam schedule and regular season games, championship meets, or conference playoffs in which a UNH team, or individual athlete may be expected to compete, UNH student-athletes shall have the option of declining to participate in those games, meets, or matches in order to devote time to preparation or completion of final exams.

4. In the event of a conflict between final exams and a scheduled athletic contest, student-athletes have the responsibility to notify as soon as possible the instructor(s) of the course(s) involved in the conflict. Student-athletes have the option of requesting a rescheduling of the exam, and faculty members shall make every reasonable effort to accommodate student-athletes. The final decision regarding rescheduling of exams, or assignment of alternate course work remains with the faculty member. Student-athletes are responsible for completing their exams and assignments according to the schedule determined by the instructor of the course.
5. Participation in a scheduled athletic contest during the final exam period shall not be considered sufficient reason for requesting or issuing a grade of incomplete (IC).

#### **D. Policy on Practice During Final Exams:**

1. Student-athletes must be given every reasonable opportunity to prepare and successfully complete final exams and other assignments required in their academic courses.
2. Athletic coaches may not schedule mandatory practices, scrimmages, or other mandatory team or individual training during final exam periods.
3. Athletic coaches may schedule optional workouts or practices, and are encouraged to remain flexible in offering such opportunities to their athletes.
4. Consistent with space and personnel constraints, the Athletic Department shall offer access to various training and practice facilities on a flexible schedule during final exam periods.
5. Student-athletes may not reschedule a final exam, or postpone a final assignment due date, because of a conflict with a scheduled but optional individual or team practice session.

## **18 Student Organization Policies**

### **18.1 Definition of Student Organization**

A Student Organization is defined as, but not limited to, a group of at least 7 undergraduate and/or graduate students in good academic standing that have a common purpose in alignment with the mission of the University of New Hampshire (RSA 187-A:3).

### **18.2 Recognition of Student Organizations**

A. Any group that meets the definition of a student organization must apply for recognition through The Memorial Union & Student Activities and receive approval by the Director of the Memorial Union & Student Activities (or designee) to obtain privileges of a recognized student organization.

B. Representatives of all current groups seeking to be recognized for the next year must complete the formal recognition process which entails the completion of the online recognition module. For a complete outline of the recognition process, please refer to the Student Organization Guide section on recognition policies available online at [www.unhmub.com](http://www.unhmub.com).

C. Groups who apply for recognition and receive approval will be granted recognition for an entire year, provided they maintain all standards set forth in the Student Organization Guide and the Student Rights, Rules, and Responsibilities handbook. Additionally, every recognized student organization is required to send at least one representative to the Student Organization Information Meeting each semester in order to maintain recognition. New organizations seeking recognition must schedule a meeting with the Director of the Memorial Union & Student Activities (or designee), and then go through the recognition process outlined in the Student Organization Guide in order to obtain benefits/privileges of a Recognized Student Orga-

nization.

D. New organizations may apply for recognition at any time beginning the week after University Day (U-Day) and running through end of the last week of March. After obtaining recognition the student organization must re-apply each year during the formal recognition period.

E. Those organizations directly supported by the undergraduate Student Activity Fee will follow the same guidelines and recognition policies as non-SAF-funded organizations and will be under the general jurisdiction of the Memorial Union & Student Activities. The budget and concepts process for SAF-funded organizations also come under the direct jurisdiction of the Student Senate and its constitution and bylaws.

F. The University of New Hampshire acknowledges the following governance organizations as University-wide elected student bodies who participate in the shared governance of the institution:

- Graduate Student Senate
- Student Senate

The University of New Hampshire also recognizes the following governance organizations charged with governance of their respective units:

- Interfraternity Council
- Panhellenic Council
- Memorial Union Board of Governors
- Campus Living Association

This acknowledgment reflects the University's acceptance of each of these bodies as the official representative of student opinion for the constituencies served by that group. In order to maintain such recognition, these bodies must comply with all applicable Federal, State, and local laws and University and University System of New Hampshire's policies. These bodies shall not be required to be recognized student organizations.

G. Social fraternities and sororities must be recognized by the Memorial Union & Student Activities and meet the requirements of the Fraternity/Sorority Life Minimum Standards for Expansion. Social fraternities and sororities seeking recognition must go through the same recognition process as all other organizations reapplying for recognition in order to obtain benefits/privileges of a Recognized Student Organization.

H. Residence Hall Councils/Activities Boards who are recognized by the Office of Residential Life or the Department of Housing must go through the same recognition process as all other organizations reapplying for recognition in order to obtain benefits/privileges of a Recognized Student Organization.

I. Clubs shall be recognized as Sport Clubs through Campus Recreation if they demonstrated the following:

1. Interest
2. Organization
3. Need
4. Risk Management
5. Satisfaction of a true sport definition to include: A sport (example, badminton, rugby, sailing, rowing, etc.) with a national, international, or independent governing body; a set of rules published by the appropriate governing body; evidence that there are established competitions, clinics, or tournaments within a reasonable driving distance/time of UNH; and that the sport is the primary purpose/objective of the club. See Section 19: Sport Clubs for more information.

### **18.3 Appeal Process**

If recognition status should be denied or revoked by the Director of the Memorial Union & Student Activities, the organization may appeal this decision to the Director. This appeal must be made in writing via email

within 5 business days of the notification. The approval or disapproval of a student organization is ultimately made by the Director of the Memorial Union & Student Activities. Student Organizations who have lost their recognition may reapply for recognition during the scheduled recognition period, or may use the appeal process to regain its recognition.

#### **18.4 Rights and Privileges of Recognized Student Organizations:**

Recognized student organizations are entitled to the following rights and privileges subject to all other relevant policies of the University and University System:

- Use of the University name; the University name, or any part thereof, shall not be used by any student or group of students in connection with any public activity except as authorized by the Office of Student Involvement and Leadership upon registration;
- Ability to apply for funding and utilize the services of the Student Activity Fee Office and Organization Resource Office;
- Being listed on the Memorial Union & Student Activities Web site/WildcatLink;
- Use of campus facilities and services;
- Having a Web page on the University system;
- Guidance of a UNH faculty/staff advisor;
- Ability to apply for office and storage space in the MUB;
- Sponsorship of programs and activities;
- Use of free advertising resources such as Wildcat Link, University calendar of events, table tents, and showcase spots in the MUB;
- Advertising opportunities for upcoming activities in University buildings, residence halls, and on designated bulletin boards on University property, in accordance with all posting policies;
- Limited free advertising in The New Hampshire;
- Participation in Student Activities fairs and other student organization recruitment activities;
- Use of the University's tax exempt status to solicit donations in support of approved activities;
- Use of the MUB ticket services;
- Receive mail in the Memorial Union & Student Activities office;
- Participation in leadership workshops sponsored by the Memorial Union & Student Activities.
- Use of program advising and consulting services provided by the Memorial Union & Student Activities.

#### **18.5 Responsibilities of Recognized Student Organizations:**

Recognized Student Organizations at the University of New Hampshire are required to:

1. Be designed and operated by students and to consider student development, citizenship and safety (physical, emotional, spiritual, psychological) of paramount importance.
2. Adhere to all applicable federal, State and local laws and University policies.
3. Adhere to the University's anti-hazing policy as listed in the Student Rights, Rules, and Responsibilities.
4. Adhere to the University's nondiscrimination policy as listed in the *Student Rights, Rules, and Responsibilities*.
5. Have a minimum of two (2) full-time University of New Hampshire students who are in good academic standing as its officers (2.3 GPA for undergraduate officers, 3.0 GPA for graduate officers). The Memorial Union and

Student Activities also follows Rule #5.11 in the Student Rights, Rules, and Responsibilities that states the minimum acceptable GPA for all UNH students is 2.0; therefore, no student with a GPA lower than 2.0 may be listed as a member for any Recognized Student Organization.

6. Hold the membership of their organizations accountable to the organization's policies and procedures, as well as to the policies and procedures of the Student Rights, Rules, and Responsibilities and the Student Activities Student Organization Guide.
7. Conduct fair elections or appointments of officers.
8. Permit members to disassociate at any time.
9. Accurately maintain Wildcat Link in a timely manner.
10. Inform the Memorial Union & Student Activities staff immediately if any of the information in the recognition application changes (including but not limited to officer or member information, name of organization, constitution or statement of purpose).
11. Refrain from purchasing alcoholic beverages through organization funds. Additionally, the purchase of alcoholic beverages for members or guests may not be undertaken or coordinated by any member in the name or on behalf of the organization.
12. Refrain from advertising events in which alcohol is present.
13. Refrain from co-sponsoring an event where alcohol is given away, sold, or otherwise provided to those present.
14. Refrain from committing, either verbally or through written contract, the University, to any financial obligation.
15. Not be set up for the financial gain of the members. While fundraising is important to most groups' survival, this must not be the group's priority or purpose.
16. Have financial accounts within the University system if the organization is accepting funds/monies unless they are currently incorporated nationally or with the state (e.g. Fraternity and Sorority Organizations). Anytime an organization accepts funds/monies, deposits must be made into these University accounts upon receipt.
17. Sell tickets for all events that charge admission. Ticket sales for all student organization-sponsored events held on the UNH campus that require admission must be sold through the MUB & Student Activities.
18. Register any student organization trip plans via Wildcat Link. A trip is defined as any recognized student organization outing that requires transportation where the members of the group are representing the University or could be perceived as representing the University (e.g. organization shirts/paraphernalia being worn). Five business days before the proposed trip the Student Organization Travel Registration form must be completed via WildcatLink. Five business days before the proposed trip the "Field Trip Informed Consent, Release and Assumption of Risk Form" must be completed by each individual participating in the trip. For international trips, eight weeks before the proposed trip the students must complete the above listed required forms via WildcatLink and contact UNH Global to submit necessary documentation. Students traveling internationally will be required to pay the UNH International Travel Insurance Fee. Students traveling to Canada or U.S. territories on trips with durations less than one week may waive the UNH international insurance plan and assume personal responsibility for their insurance and travel assistance.
19. Adhere to all posting policies by the town of Durham and the University, paying close attention to all policies of the MUB & Student Activities and residence halls.
20. Clearly indicate the organization as sponsor on all announcements, flyers, letters, posters, etc., promoting or describing an event, meeting or programs.
21. Gain permission from the Director of the Memorial Union & Student Activities (or designee) when seeking to obtain alumni mailing lists for the purpose of University sanctioned fundraising.
22. Gain permission from the Director of the Memorial Union & Student

Activities (or designee) when seeking to obtain an organizational website account.

23. Have an advisor if the organization chooses. That advisor must be a member of the University of New Hampshire faculty or staff unless an exception is granted by the Director of the Memorial Union & Student Activities (or designee).

24. Meet with the Director of the Memorial Union & Student Activities (or designee) on a periodic basis if the organization is struggling or in danger of losing recognition status.

## 19 Sport Clubs

### 19.1 Membership and/or Eligibility for Sport Clubs

1. Eligibility requirements for membership:
  - a. Clubs are open to full-time matriculating students without respect to race, creed, sex, national origin, sexual orientation, or disabilities. However some competitive clubs have specific eligibility guidelines set by their respective sport's governing body, which have specific standards for intercollegiate competition.
  - b. Faculty and staff must have a Campus Recreation membership. Benefits-eligible faculty and staff may purchase their membership at the Welcome Center in the Hamel Recreation Center.
  - c. All aquatic-oriented clubs (i.e., Sailing & Crew) require members to pass a swimming skills test administered by the Department of Campus Recreation and receive hypothermia training.
  - d. Limitations may be imposed on membership due to lack of facility space and time, funding, league requirements, administrative oversight, etc.
2. Members of sport clubs competing may have to meet additional eligibility requirements as outlined in the respective sport's governing body. In-season varsity athletes will not be allowed to compete on Sport Club teams.
3. Club members should be mindful that the public tends to judge the University by the conduct of its members. All individuals are expected to conduct themselves as responsible members of the academic community and to respect the rights of their fellow citizens.

### 19.2 Procedures for Starting a New Sport Club.

1. It is the responsibility of students interested in initiating a specific activity into the Sport Club Program to file a *Request for Sport Club Affiliation* no later than the last day of the Fall Semester and meet with the Asst. Director of Campus Recreation to outline the proposed club, and to review the process. The *Request for Sport Club Affiliation* form can be obtained by contacting the UNH Sport Club professional staff.

THE APPROVAL OR DISAPPROVAL OF THE INCLUSION INTO THE SPORT CLUB PROGRAM OF ANY ACTIVITY OR GROUP IS MADE BY THE DIRECTOR OF CAMPUS RECREATION.

*For complete policies and procedures, see current Campus Recreation Sport Club Manual.*

## 20 Meetings and Speakers

### Meetings

1. Meetings in the Memorial Union Building are scheduled through the MUB Scheduling Office. See [www.unh.edu/mub](http://www.unh.edu/mub) for scheduling and policy information.
2. Requests of off-campus organizations. The use of rooms that are not

otherwise under authority of a University department, College, or unit, by off campus organizations must be authorized by the Vice President for Finance and Administration or their designee, except in the case of conferences and institutes.

3. Requests for use of academic classrooms from recognized student organizations for meetings of their membership are handled by the Registrar's Office Scheduling Department.

### Meetings with Outside Speakers

1. The basic guidelines for the University's Speakers Policy are the Bill of Rights and the United States Constitution. The rights of freedom of speech and peaceable assembly are fully protected.
2. Any University organization or University group may invite any speaker it desires; however, the following procedures will provide effective advanced information to the University to avoid scheduling conflicts and to assure notification about special requirements.
  - a. The University organization or group must clearly state in the invitation and in its attendance publicity that the speaker is a guest of the sponsoring group.
  - b. The Vice President for Finance and Administration or designee shall specify conditions prerequisite for maintaining order at campus meetings, in accordance with law and applicable University policies, which shall be applicable to all organizations and groups. The University may, within the reasonable interpretation of its mission, limit the time, place, and manner of the presentation. The unit or group shall demonstrate to the satisfaction of the Vice President or designee that compensation will be made to all servicing departments for all expenses resulting from the meeting, including security, arrangements, and clean up.
3. No organization or group may preclude the right of reply through disallowing questions or comments following the speech.

## 21 Student Participation in University Committees (ad/ss)

### 21.1 Joint committees of students, administration, and faculty (ad/ss)

The Student Senate shall recommend to the president undergraduate student candidates for membership as appropriate on joint committees of students, administration, and faculty. The Graduate Student Senate shall recommend to the president graduate student candidates for membership on such committees. Such student members shall be appointed by the president from among those students recommended by the Student Senate and the Graduate Student Senate.

## 22 Administrative Separation and Procedures for Readmission

The University of New Hampshire reserves the right to take reasonable and appropriate action to protect the safety and wellbeing for the campus community. This may involve disciplinary action or involuntary administrative separation.

### 22.1 Administrative Separation for Off-Campus Criminal Charges

The University finds that when a student faces a serious criminal charge, the process of defending against the charge can impose significant anxiety and substantially interfere with the student's academic progress. When a student is charged with a felony crime or a crime with a maximum sentence over one year and the charge relates to homicide, assault, sexual assault,

burglary, criminal threatening, fraud, distribution of illegal drugs, possession of substantial quantities of illegal drugs, or crime of violence, the student may be administratively separated from the University pending resolution of the criminal charge or charges. During the period of separation, the student's access to campus shall be restricted. The Associate Dean of the student's college will be notified and, in turn, will notify the student's faculty of the separation.

If initiating an administrative separation process as described above, the Dean of Students or designee (Dean of Students) shall send a letter to the student with notification of the separation and inviting the student to meet. The purpose of the meeting shall be to provide the student with an opportunity to challenge the separation and to request reconsideration. If the student does not schedule a meeting within ten calendar days of receiving the letter, the separation will become an administrative withdrawal. If the student does request a meeting within ten calendar days of receiving the letter, that meeting will be scheduled as promptly as possible and the Dean of Students shall communicate the outcome of that meeting within three calendar days.

If the administrative separation is upheld by the Dean of Students, the student will have the opportunity to appeal to the Senior Vice Provost for Student Life who may grant the student's request to continue their studies when an error has been made in determining that the student should be separated, or in extraordinary cases where there is no evidence that the student presents any risk of harm or criminal behavior to the University community. The appeal request must be received by the Senior Vice Provost for Student Life by no later than five calendar days after the student receives the letter from the Dean of Students. If the student does not appeal to the Senior Vice Provost for Student Life the administrative separation shall be changed to an administrative withdrawal. The Associate Dean of the student's college will be notified and, in turn, will notify the student's faculty of the administrative withdrawal.

If the student does choose to appeal to the Senior Vice Provost for Student Life, the decision on that appeal will be communicated in writing to the student within three calendar days. At that time, the Associate Dean of the student's school or college will be notified and in turn will notify the student's faculty of the final outcome of the process which could be either administrative withdrawal or lifting of the administrative separation.

Students who withdraw for reasons of pending criminal charges, whether voluntarily or are separated by administrative action, must apply for readmission through the Office of Undergraduate Admissions or the Graduate School. Readmission shall be contingent upon receipt by the appropriate Director(s) or their agents of documentation regarding the outcome of any criminal proceedings. This policy does not preclude the University from taking appropriate conduct action. (*ad*)

## **22.2 Administrative Separation and Reinstatement for Reasons of Health Related Behaviors**

The Dean of Students or designee (Dean of Students), in consultation with the Behavioral Intervention Team, may temporarily separate a student from the university for reasons relating to impaired mental/physical health when such student's health related behaviors:

1. pose a direct threat of substantial harm to health or safety of other members of the University community,
2. and/or when the student's health-related behaviors significantly disrupt the ability of other University community members to fulfill the University's mission and (A) the student's continued participation in the University's educational programs would require modifications that would be unreasonable or would fundamentally alter the nature of those programs; or (B) the student rejects all reasonable modifications offered by the University and

the student cannot meet the University's essential eligibility requirements to continue to participate in its educational programs; or (C) even with the provision of all of the reasonable modifications offered by the University, the student cannot meet the University's essential eligibility requirements, which satisfy the requirements of 28 C.F.R. § 35.130(b)(8).

Examples of behaviors that may be found to require administrative separation include but are not limited to:

- a. continuing disruptive behaviors after being instructed by a University official to stop
- b. failing to complete a mandated individualized assessment or comply with the conditions of a reasonable support plan
- c. presenting a direct threat of harm to others.

Process: Prior to placing a student on administrative separation the University, acting through the Dean of Students, shall apply the following standards and procedures:

- a. Except in emergency circumstances, the Dean of Students shall conduct an individualized assessment of each student and give careful consideration to the opinions and recommendations of the student's treating physician or mental health professional, if available, together with the opinions and recommendations of the healthcare professionals consulted by the Dean of Students. The Dean of Students shall encourage the student to provide any other additional information that the student believes is relevant to the determination. The Dean of Students shall respect the student's confidentiality, and only require the student to provide a medical release for access to the student's medical and mental health records as reasonably necessary to complete its individualized assessment.
- b. Based on the individualized assessment, the Dean of Students shall determine whether, and what, reasonable modifications can be made that would be effective to allow such student to continue to attend classes and otherwise participate in its educational programs while seeking treatment for, or recovering from, any related medical or mental health conditions. However, in the event that the University also considers whether the student poses a direct threat to the health or safety of self or others, the Dean of Students' individualized assessment must be based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
- c. The Dean of Students may impose administrative separation if: (A) after the individualized assessment, and review of documentation, the Dean of Students concludes that the student's continued participation in its educational programs would require modifications that would be unreasonable or would fundamentally alter the nature of those programs; (B) the student rejects all reasonable modifications offered by the Dean of Students and the student cannot meet the University's essential eligibility requirements to continue to participate in its educational programs; or (C) even with the provision of all of the reasonable modifications offered by the Dean of Students, the student cannot meet the University's essential eligibility requirements, which satisfy the requirements of 28 C.F.R. § 35.130(b)(8). If the Dean of Students decides to impose a mandatory leave of absence, they will advise the student of available grievance procedures should the student wish to challenge the decision.
- d. At the time of imposing an administrative separation the Dean of Students, shall provide a letter to the student that describes the behaviors and the grounds for the separation. The letter shall:
  - i. invite the student to meet for the purpose described in paragraph g. below.

- ii. notify the student of the student's right to appeal with the Senior Vice Provost for Student Life after the meeting with the Dean of Students.
- iii. notify the student of any conditions on reinstatement and the process for seeking reinstatement.

The administrative separation shall be effective immediately. The student may not attend class, shall move out of any University housing, and shall be barred from campus.

- e. The Dean of Students may offer a student an opportunity to request a voluntary health leave of absence.
- f. Administrative separation is not a punishment and is not intended to be a substitute for other procedures found in the Code of Conduct or Academic Policies and is focused on behaviors not on underlying disabilities. Except in an emergency, administrative separation is taken in consultation with representatives from other offices such as Health & Wellness, Psychological and Counseling Services, and Student Accessibility Services. The time frames indicated below may be increased by mutual agreement of the student and the Dean of Students. Consideration of administrative separation or the offer of a voluntary leave shall not preclude the initiation of charges under the Student Code of Conduct arising from the student's behavior.
- g. The student may request a meeting with the Dean of Students to discuss the administrative separation within five business days of receiving the letter described in paragraph d. above. The Dean of Students shall schedule the meeting within three business days of receiving the request. The purpose of the meeting is to provide the student with an opportunity to challenge the proposed administrative separation, to share additional health information or recommendations for modifications or accommodations, and request reconsideration of the grounds for the separation or reinstatement. The student may be accompanied at the meeting by a member of the University community. If the student fails to request a meeting within five business days from the beginning of the temporary separation, OR if the temporary separation is upheld at the meeting and the student fails to appeal, OR the decision is upheld upon appeal; the administrative separation shall be changed to an administrative withdrawal. The Dean of Students shall notify the student, the associate dean of the student's college and the Registrar of the outcome of the process.
- h. The Student may appeal an administrative separation to the Senior Vice Provost for Student Life within three business days. With good cause the Senior Vice Provost for Student Life may grant additional time, not to exceed five days, within which to file such an appeal. Within three business days of receipt of the appeal request, the Senior Vice Provost for Student Life shall review the request and the complete record as compiled by the Dean of Students and may request a meeting with the student. Upon completion of the review, and no later than three business days following receipt of the appeal request, the Senior Vice Provost for Student Life shall notify the student in writing of their decision to grant or deny the appeal. At this point, the Associate Dean of the student's school or college will be notified and in turn will notify the student's faculty of the final outcome.

During the period of separation, the student's access to campus shall be restricted.

Students who are administratively separated, shall apply for readmission through the Office of Undergraduate Admissions or the Graduate School. Readmission may be granted to qualified students contingent upon receipt of documentation from a licensed attending medical authority, licensed social work, and/or licensed psychologist, demonstrating the student's readiness to return. To the extent the withdrawal was for a condition that requires ongoing treatment, readmission may also be contingent upon documentation of the prescribed treatment course and a plan for implementation thereof. Readmission may also include a personal interview with either the Dean of Students, the Dean of the Graduate School, or the Associate Dean of

the Graduate School. A final recommendation for undergraduate students regarding readmission will be made based on the information received, in consultation with the Dean of Students. For graduate students, the Dean of the Graduate School will make the final decision based on the information received, in consultation with the appropriate University official(s).

(ad/fs/gc)

## 23 Outdoor Assemblies and Events, Solicitation and Dissemination of Viewpoints in Public Areas on Campus (2018)

### 23.1 Outdoor Assemblies and Events

An outdoor assembly is a group of people gathered together in one place out of doors on the University campus for an organized common purpose. An outdoor event is a planned public or social occasion held out of doors on the University campus. Events and assemblies include organized groups of people gathered to protest or disrupt another assembly or event. A permit is required to hold an outdoor event or assembly, except as allowed under section 23.2.1 below. The University has established these rules, to govern the time, place and manner of assemblies and events to reasonably protect public safety and the University's pursuit of its fundamental educational mission, consistent with its commitment to implement and protect the First Amendment rights of faculty, staff and students. Any student with questions about these rules may contact the UNH Police Department or the Dean of Students Office.

The following units or groups may hold outdoor assemblies or events: schools and colleges, divisions, departments, or other official administrative (including residential) or service units, recognized employee or student organizations. Persons or organizations who are not students, faculty, or officials of the University shall not conduct outdoor assemblies or events. Non-University persons or entities may be invited to campus to attend assemblies or events conducted by a unit of group included above, but must follow all applicable University policies. The University reserves the right to require the invited individual or group to provide a certificate of insurance evidencing comprehensive liability coverage for bodily injury and property damage of one million dollars prior to the use of any University space. The sponsoring unit or group shall be responsible for the good conduct of the invited person or organization.

Outdoor assemblies and events may only be held in designated areas on the UNH campus. Designated areas on campus are defined as those areas generally open to the public that do not serve a specific educational, administrative, research, health, residential, dining, athletic, or recreational purpose. Areas on campus not open to public assemblies and events shall include but are not limited to, classroom and laboratory buildings, libraries, dining areas, residence halls, and faculty, staff, or student offices. The Memorial Union building, the Field House, the Whittemore Center and Wildcat Stadium are subject to other rules and are not public areas for the purposes of this rule. Thompson Hall Lawn is reserved for University sponsored events only.

Outdoor assemblies and events shall not be permitted if they constitute a clear and present danger to the safety or welfare of persons or property, or if they threaten to disrupt vehicular or pedestrian traffic. No outdoor assembly or event may interfere with or prevent the use of campus facilities for regular instructional programs or for other scheduled activities. Clean-up will be done immediately by the unit or group registered to hold the event or assembly.

For reasons of safety, no overnight events shall be permitted. In order to maintain an events calendar that allows for maximum participation by the many groups and units within the University, specific one-time events will

be limited to one day, or one evening.

## 23.2 Outdoor assembly and event permits

### 1. Small events or assemblies

A student organization or University unit seeking to conduct an outdoor assembly or event where up to 25 persons may be reasonably expected to attend are not required to obtain a permit. Although it is not necessary for a students planning a small event or assembly to obtain prior permission from the university, they are encouraged to contact the UNH Police Department to identify an appropriate area for the small event or assembly for scheduling purposes to minimize possible conflicts and to request additional information as needed.

Students and student organizations may hold a small event or assembly in a designated area of campus provided:

- a. The event is not promoted to the public or the general student body by flyers, posters, mailers, broadcast or print advertising or social media,
- b. The area has not been previously reserved or scheduled for a particular function.
- c. No sound amplification is used.
- d. Participants do not violate university policies or the Student Code of Conduct.
- e. The small event or assembly shall meet all requirements of section and 23.2.2.7 below
- f. A small event or assembly shall not be permitted if it constitutes a clear and present danger to the safety or welfare of persons or property,
- g. A small event or assembly shall not be permitted if it disrupts vehicular or pedestrian traffic.
- h. A small event or assembly shall not be permitted if it interferes with or prevents the use of campus facilities for regular instructional programs or for other scheduled activities.
- i. A small event or assembly shall not be permitted to last overnight, for the safety of participants.
- j. Booths, amplified or disruptive music, fireworks, food vendors or BBQ/fires are not permitted at small events or assemblies.

### 2. Permit Process for Outdoor Events and Assemblies

1. There is a presumption in favor of issuing a permit for assemblies and events provided that the registering unit or organization follows the consultation process set forth in sections 23.2.2 and agrees to follow the requirements set forth in the permit. In addition, all applications for permits shall be assessed on a viewpoint neutral basis.

2. The unit or organization shall demonstrate that compensation will be made to all servicing departments for all expenses resulting from the outdoor assembly or event, including security, custodial service, traffic control, grounds maintenance, food service, and conference or facility arrangements. See Student Activity Fee Committee for funding options for recognized student organizations.

3. The unit or organization requesting a permit shall provide complete and accurate information about the event on an application form. The unit or organization requesting a permit shall identify at least one full-time faculty, staff, or student officer to be present at the assembly or event at all times and to be responsible for the conduct of the event. The application form shall be available electronically, and may be submitted electronically or person to the UNH Chief of Police or to the Dean of Students or their designees.

4. The following information, shall be required, as applicable, from all applicants on the application form:

- a. Name and address of sponsoring unit or organization,
  - b. Name and address of person filing application and positive form of I.D.
  - c. Date of assembly or event
  - d. Name and address of person in charge of the assembly or event
  - e. Description of the assembly or event
  - f. Location of the assembly or event
  - g. Purpose of the assembly or event
  - h. Type of equipment or structures, if any, to be used during the assembly or event, including posts, anchors, holes or trenches to be placed in the ground
  - i. If the event or assembly includes booths, music, fireworks, food vendors or a BBQ/fire, name of all vendors, and descriptions of all sources of flame such BBQ-type of grill (non-commercial, gas or charcoal), open pit, (if food is served or prepared at the assembly or event).. Please refer to Section 24 for more information on commercial activity.
5. Applicants, with assistance as needed from the Police Department, shall consult the following individuals or their designees, as appropriate, about plans for the event or assembly and obtain their signature or other satisfactory evidence of the consultation:
- a. Captain on staff, Durham Fire Department, 862-1426 (when open sources of flame will be present)
  - b. Director, Plant Maintenance, Leavitt Center, 862-3936
  - c. Chief of UNH Police or designee, 18 Waterworks Road, 862-1427;
  - d. Manager, Grounds and Roads, 862-3518, Office of the President, 862-2450 (for events or assemblies on Thompson Hall Lawn or Great Lawn);
  - e. Manager, Grounds and Roads, 862-3518; Assistant Director of Residential Life, 862-2268 (for events in residence hall quadrangles or adjacent to residence halls).
6. Permit applications shall be evaluated using the following criteria:
- a. Whether campus pedestrian, bicycle and/or vehicular traffic will be unreasonably impeded and whether members of the UNH community not participating in the activity will be unreasonably disrupted in their normal activities.
  - b. Whether any and all public address systems to be used conform with all applicable laws and whether they will interfere with any instructional activities or disrupt normal University operations.
  - c. Whether considerations of public safety and the safety of all participants are addressed to the satisfaction of the UNH Police Department. Conditions that constitute a clear and present danger to the safety or welfare of persons or property are grounds for withholding a permit.
  - d. Whether any temporary structures or installations associated with the event are safe, interfere with any normal operations, have the potential to interfere with any utility lines above or below ground level, and will be removed promptly (at the conclusion of the scheduled event).
  - e. Whether the event renders any space unsatisfactory for use in its nor-

mal or primary function.

7. Permits shall be issued, or denied, by the UNH Chief of Police, or designee. An organization or unit may appeal to the Dean of Students or designee regarding the denial of a permit application. Conditions on the permit may require that the organization or unit holding the permit shall be responsible for:

- a. cleanup of refuse reasonably attributable to the organization's or unit's conduct of the assembly or event and not to the reckless behavior of third parties;
- b. reasonable precautions to prevent fires or danger to the physical safety of participants or third parties; and
- c. financial responsibility for any property damage incurred while using said area. Permit holders will have the option of either repairing damaged areas themselves with a plant maintenance inspection for satisfaction or to pay for repairs.

8. Each outdoor assembly or event needs an additional permit. Barbecues, amplified voices or music (such as a microphone, bullhorns, speakers) or fireworks are prohibited during normal class hours (8 a.m. until 5 p.m.).

### **23.3 Solicitation and Dissemination of Viewpoints; distribution of literature**

1. Individual students, including members of student organizations, who wish to solicit for contributions, distribute literature (including requesting a small fee or voluntary contribution for the literature to defray expenses); and engage in sequential, incidental, brief and transitory verbal interactions with passersby on the sidewalks and in the parking lots on campus may do so at any time. Solicitation and dissemination of viewpoints shall not be permitted if they threaten human safety, or if they disrupt or threaten to disrupt vehicular or pedestrian traffic. No solicitation or dissemination of viewpoints may interfere with or prevent the use of campus facilities for regular instructional programs or for other scheduled activities. Amplified voices and/or music (such as microphones, bullhorns, speakers) are prohibited during normal class hours (8 AM until 5 PM) and any signage shall be free standing, not affixed to any structure or inserted into the ground.

2. Non-students who wish to solicit for contributions, distribute literature (including requesting a small fee or voluntary contribution for the literature to defray expenses); and engage in sequential, incidental, brief and transitory verbal interactions with passersby on the sidewalks and in the parking lots on campus must first obtain a permit from the University of New Hampshire Police Department. Applications shall be granted on a strictly viewpoint neutral basis. Applicants shall agree not to obstruct or impede any person.

3. Solicitation and dissemination of viewpoints shall not be permitted if they threaten human safety, or if they disrupt or they threaten to disrupt vehicular or pedestrian traffic. No solicitation or dissemination of viewpoints may interfere with or prevent the use of campus facilities for regular instructional programs or for other scheduled activities. Amplified voices and/or music (such as microphones, bullhorns, speakers) are prohibited during normal class hours (8 AM until 5 PM) and any signage must be free standing.

4. The tables in the hallways of the Memorial Union building are reserved for solicitation, distribution of literature and event promotion by recognized student organizations, University departments, and entities approved by the Director of the Memorial Union & Student Activities. The Memorial Union has established tables in the hallways that may be reserved on a first come, first served basis in the Memorial Union Office and are subject to reasonable time, place and manner rules adopted by the Director of the Memorial Union & Student Activities and MUB Board of Governors (MUBOG). For reasons of public safety and traffic flow, organizations or individuals shall

remain behind the tables and shall not enter the hallways to engage in event promotion, distribution of literature or solicitation. Solicitation and distribution of literature in residence halls and university apartments is subject to section 23.3.

5. University recognized student organizations and University departments may use the designated tables in accordance with applicable MUB and Student Activity Fee rules.

6. Persons using an area to distribute literature are encouraged to be responsible for litter/refuse clean-up of the area and repair of property damage to the area reasonably attributable to their activities. Persons have the option of either repairing damaged areas themselves with a plant maintenance inspection for satisfaction or to pay for repairs.

### **23.4 Permits to solicit and disseminate viewpoints and distribute of literature**

Students are permitted to solicit viewpoints, disseminate viewpoints and distribute literature in accordance with section 23.3. On-campus and off-campus agencies who wish to distribute literature on University property shall:

- a. Obtain and submit a completed application form at the University Police Department, 18 Waterworks Road; 862-1427. Applications may be submitted electronically by email.
- b. Agree to be responsible for clean-up costs that are incurred as a result of mass distributions of literature;
- c. Submit evidence that the applicant has conferred with the Manager, Grounds and Roads, or designee, 862-3518 regarding procedures for clean up and use of grounds.

### **23.5 Door-to-Door Solicitation**

No person may solicit door-to-door in residence halls, University owned apartments classroom buildings, laboratories, or administrative buildings.

## **24 Commercial Activities on Campus (ad/ss)**

For the purposes of this section "Commercial Activity" is described as any activity undertaken as part of a commercial enterprise. This includes marketing, sales, or any other action deemed as commercial activity by the University.

### **24.1 Policy for Outdoor Commercial Activities on Campus**

The purpose of this policy is to manage outdoor commercial activity on campus in order to maintain a healthy, safe, and attractive educational and living environment, which is in keeping with the University of New Hampshire mission, including its Academic Plan, Transportation Policies, and Campus Master Plan. Conducting any commercial activities for the profit of any person or business is permitted on the campus only upon receipt of a UNH Outdoor Commercial Activity Permit with the following conditions and exemptions.

*Exemptions: The following activities are exempt from this policy:*

1. Commercial activities at athletic events that receive authorization from the Director of Athletics and which are registered with the University Police Department through a separate process.
2. Student activities performed by the students of the University.
3. Commercial activities sanctioned under separate contract agreement executed by authorized University officials. Anyone wishing to obtain more information about the UNH Outdoor Commercial Activity Permit can contact the UNH Police Department during normal business hours by calling 603.862.1427 or visiting their office at 18 Waterworks Way on campus.

### **24.2 Sale of Concert and Performance Related Materials**



The sale of records, tapes, programs, and other items immediately before, during intermission(s), and directly after concerts and other performances sponsored by recognized student organizations and/or University departments, shall be permitted provided that all material offered for sale is directly related to the person or group performing. Within the Memorial Union refer to policy IV.4.08.

### **24.3 Public Presentations**

Public presentations of a commercial nature to which students may be invited shall be permitted in the conference rooms of the New Hampshire Memorial Union, provided that:

1. The presentation or demonstration is requested by a recognized student organization or campus department, the presentation is relevant in nature to the work of the organization or department and the organization or department is not, in the view of the Memorial Union administration, being used to “front” for an external organization that would otherwise be subject to different policies and rates as a non-UNH organization. ;
2. The room to be used is properly reserved;
3. The Memorial Union and Student Activities Office is given, through the reservation process, clear and complete explanation of the nature of the presentation or demonstration.
4. During and immediately after the presentation or demonstration, no sales may be discussed or closed, no reservations recorded, no money exchanged, and no credit obligations created.

### **24.4 Memorial Union**

The sale of items in the Memorial Union is permitted in accordance with specific guidelines outlined by the Memorial Union & Student Activities and the Memorial Union Board of Governors. Vendors are guests of the University.

### **24.5 Private Individual Sales Presentations**

Nothing in this policy shall prohibit a person or business engaged in commercial activities from conducting private individual sales presentations on campus if so requested by a student, advertising in student and local newspapers, telephoning students, or posting information on general-use bulletin boards.

### **24.6 Permission**

A license/permit shall be required by all students, staff, and commercial groups, individuals(s) not associated with the University. Upon appropriate approvals, including the Chief of Police or designee, University of New Hampshire Police department, said license/permit will be issued.

## **25 Motor Vehicles**

### **25.1 Permission to Operate and Park a Vehicle on Campus**

Permission to operate and park a vehicle on campus or other lands of the university is a discretionary privilege bestowed by the University, and such privileges may be denied, removed, suspended, or modified by the action of the University Police Department or Transportation Department.

Parking a motor vehicle on campus requires registration with Transportation Services and the purchase and display of a valid university parking permit. A student may apply for and purchase a parking permit under the conditions contained in the University Parking Regulations, available at the University Transportation Services Web site. Eligible students desiring to bring or keep a car, motorcycle, moped, or other vehicle to campus are advised to review this policy. Questions on parking policies and procedures,

or requests for special assistance may be directed to Transportation Services (Parking & Transit Center, open Monday –Friday, 7:30 a.m.–4:30 p.m.)

### **25.2 Parking Enforcement, Tickets, Appeals, Visitors**

All motor vehicles parked at the university are subject to the classifications, eligibilities, limits, restrictions and enforcement measures for campus parking listed in the UNH Parking Regulations, available at the UTS Web site. All additions, deletions, or other changes in the parking regulations authorized by the University Transportation Services shall become effective when the UTS Web site is updated and/or at the time the appropriate sign is posted or removed. Violations of these regulations are subject to citation, fine, or other enforcement measures.

Parking citations issued by UTS or UPD personnel as a result of illegal parking must be paid within fourteen (14) calendar days of issuance or be subject to late fees or additional enforcement measures. Written appeals are accepted from those individuals wishing to contest a parking ticket within ten (10) days of issuance, after which time the right to appeal is forfeited. Appeal forms are available at Transportation Services and the UTS Web page.

In addition to vehicles students themselves operate and/or register on campus, students are also responsible for parking citations issued on the vehicles belonging to their guests and/or for citations placed on any vehicle whose owner registers the vehicle at the student’s permanent address. Students are responsible to correctly advise their family and guests on how to park legally, including, but not limited to the placement of visitor parking areas, permit requirements, time zone limits, Winter Parking Ban restrictions, etc.

### **25.3 Traffic Enforcement**

All vehicles operated on campus are responsible for abiding by all local/campus moving traffic regulations, including speed limits, lane restrictions, traffic control devices and signage, traffic control officer direction, etc., and are subject to enforcement thereof by local police personnel.

### **25.4 University-owned Motor Vehicles**

Students are not permitted to drive University System motor vehicle except in the capacity of a University employee, and then only as assigned by their supervising departmental personnel. Students must complete the Defensive Driver Course to drive for UNH business. Information on the Defensive Driving Course is posted at the UTS Web page.

## **26 Health, Safety, and Security**

### **26.1 Hazardous Substances or Dangerous Weapons**

Possession or use of hazardous or dangerous weapons or substances, including, but not limited to firearms, explosives, fireworks, air, pellet, and BB type guns, is prohibited on University property. Fireworks are defined as any substance prepared for the purpose of producing a visible or audible effect by combustion, explosion, or detonation.

### **26.2 False Reports**

Making or causing to be made false fire alarms, false reports of fires, or any other dangerous conditions is prohibited, per RSA 644:3. Offenders/violators will be prosecuted to the fullest extent of the law.

### **26.3 Fire Safety Equipment**

Nothing shall obstruct any fire sprinkler head or be hung from piping supplying sprinkler heads. Tampering with fire safety equipment, or unauthorized removal of such equipment is prohibited, per RSA 634:2. The playing of hall sports in residence halls is prohibited to protect fire safety equipment.

### **26.4 Evacuation**

Failure to evacuate in the event of a fire alarm, hazardous, serious condition, or at the lawful request of a University or fire official is prohibited.

### **26.5 Failure To Report**

Failure to report serious or hazardous incidents including, but not limited to, fire, accident, or illness is prohibited.

### **26.6 Failure To Obey Directives**

Failure to obey directives or interference with the response of University or civil officials to emergency calls or in the carrying out of their regular responsibilities is prohibited.

### **26.7 Fire Hazards**

Creating fire hazards or endangering the safety of persons or property, or improper use of electrical appliances, or improper use or storage of hazardous or flammable substances including, but not limited to gasoline, benzene, naphtha, and cleaning fluids is prohibited.

### **26.8 Throwing Objects**

Objects are not to be thrown from windows or elevated platforms. Room or apartment residents may also be held responsible for objects thrown out of their windows, regardless of who threw the objects.

### **26.9 Access To Building Exterior**

Students are prohibited from being on window ledges, roofs or porticos at any time. Cans, bottles, or any other items/objects are not to be placed on window ledges or roofs. People or items on window ledges/roofs present a serious safety hazard.

### **26.10 External Doors and Internal Fire Doors**

Opening a clearly marked external emergency exit or security door, or deliberately propping open a door that is intended to be locked, is prohibited. Students are also prohibited from obstructing or blocking open any interior fire door/stairwell door.

## **27 Bicycles or Micro-mobility Alternative Conveyances**

### **27.1 Operation**

The operator of any bicycle or micro-mobility alternative conveyance is obligated to do so in conformance with all State Laws, applicable Town Ordinances, and University administrative regulations. The rules of the road that apply to motor vehicles also apply to bicycles or micro-mobility alternative conveyances. Bicycles or micro-mobility alternative conveyances are not to be operated on sidewalks, in buildings, or counter flow to traffic. Person operating bicycles or micro-mobility alternative conveyances must respect pedestrian's right of way. The emphasis is on the protection and safety of all.

### **27.2 Parking and Securing**

Bicycles or micro-mobility alternative conveyances are to be parked and secured only in places provided for that purpose. It is prohibited to secure bicycles or micro-mobility alternative conveyances by attachment to stair railings (exterior/interior), building entrances, light poles, trees, sign posts, etc.

### **27.3 Violations**

The possession and use of a bicycle or micro-mobility alternative conveyance is endorsed by the University as long as the requirements are followed and respected. Violations will be addressed and enforcement action taken including removal of secured and unsecured bicycles or micro-mobility alternative conveyances and official warnings and citations.

## **28 Grievance and Complaint Procedures**

### **28.1 Preface**

All members of the UNH community are encouraged to make efforts to resolve conflicts informally before pursuing grievance or complaint procedures. Students are encouraged to talk with faculty or staff members or to write letters to seek resolution of their concerns. In some cases, however, the University acknowledges that such action may be intimidating and/or ineffective when a student believes that a University faculty or staff member has not acted according to policies outlined in this publication or any other official publication of the University of New Hampshire. In those cases, any UNH student, including undergraduate or graduate degree candidates, may pursue the complaint procedures described below to resolve concerns involving faculty or staff.

### **28.2 Complaints Related to Discriminatory and Sexual Harassment**

The University has established specific procedures to address concerns related to discriminatory harassment and sexual harassment detailed in

section 10.2. In all cases where a student reports sexual harassment by an employee (e.g., faculty, staff, teaching assistant) the responsible person receiving the report must seek the assistance of the Director/Title IX Coordinator of the Affirmative Action and Equity Office. Exceptions to this reporting requirement include Psychological and Counseling Services, Health & Wellness, members of the UNH Chaplains Association, and staff of SHARPP (Sexual Harassment and Rape Prevention Program). The Affirmative Action and Equity Office may be consulted at any time for assistance with regard to concerns related to perceived discrimination on the basis of race, color, religion, sex, national origin, ability, sexual orientation, gender identity or expression, veteran status, marital status or age.

### **28.3 Other Complaints About Faculty**

Students should discuss other complaints regarding faculty and teaching assistant compliance with the University policies directly with the faculty member responsible for the course and seek a resolution. However, if either (a) the student feels that direct discussion would be counterproductive or, (b) after consulting with the faculty member, a student still has a complaint, the student may talk with the chairperson of the faculty member's department. If no satisfactory resolution results, the student may talk with the associate dean of their college or school.

### **28.4 Other Complaints About Staff**

Students should discuss other complaints regarding staff directly with the staff member and seek a resolution. However, if either (a) the student finds that direct discussion would be counterproductive or, (b) after consulting with the staff member, a student still has a complaint, the student may talk with the staff member's supervisor. If no satisfactory resolution results, the student may talk with the chair or director of the department and/or supervisor of the department. If the matter is not resolved at this level, final appeal may be made to the Vice President who oversees the department in which the staff member works.

## **29 Appeals Procedures for Graduate Students**

### **29.1 Appeals Procedure for Graduate Students Concerning Employment Status**

Graduate appointments are made to post baccalaureate students who have been admitted to the Graduate School and who have been recommended by the appropriate department or program and approved for appointment by the Graduate School. Appointments are normally for one academic year.

**Reappointment** A graduate student who holds a working appointment directly connected with their graduate studies may be reappointed for an additional period, provided that funds are available and that the student's academic performance, as well as performance in carrying out the responsibilities of the appointment is satisfactory, and the student's status as a graduate student is maintained.

**Non-reappointment** The University, for any reason, may elect not to renew a graduate student's working appointment at the end of the appointment period. No advance notice nor any reason need be given to the graduate student in the case of non-reappointment, and the appeal procedure is not available.

**Termination** A hiring unit may recommend to the Graduate School that a graduate student be terminated from a working appointment prior to the end of the appointment. The Associate Dean of the Graduate School will act on this recommendation. A student who is terminated is entitled to a written statement of the reasons for the termination from the hiring unit. A student who is terminated may initiate an appeal except when:

1. The termination is due to the loss of funding for the position;

2. The termination is due to either a voluntary or involuntary loss of graduate student status.

If the graduate student is eligible, and does initiate an appeal using the following procedure, they may be placed on leave of absence without pay during the period of time involved in processing the appeal. If the case is found in favor of the student, "back pay" will be awarded.

*Step 1* The student should request that the hiring unit making the original recommendation reconsider the decision. The student's request should be written and should contain any information that the student feels warrants a reconsideration of the decision. A copy of the request should be sent to the Graduate Dean. As soon as possible after receiving this request, the hiring unit will reconsider the decision and notify the student and the Graduate Dean of the results of the deliberations in writing.

*Step 2* If the student is not satisfied with the decision reached in Step 1, they may request that the Graduate Dean review the decision. The student's request should be in writing and must stipulate the reasons for their dissatisfaction with the decision reached in Step 1. The Step 2 appeal will be heard by the Student Affairs Committee of the Graduate Council, unless the student requests that the Dean or the Dean's designee hear the appeal. When the appeal is heard by the Dean's designee or the Student Affairs Committee, a recommendation is made to the Dean, who will render a decision.

The Dean's decision will be communicated in writing to the student, the hiring unit and the hiring unit's College Dean, Director or Vice-President.

### **29.2 Policy and Appeals Procedure for Graduate Students Dismissed for Failure to Make Satisfactory Academic Progress or Professional, Ethical, or Behavioral Misconduct.**

The process by which a student can be dismissed for violations of academic standards or violations of professional, ethical, and/or behavioral expectations of the program is outlined below along with the process by which such decisions can be appealed.

#### **Dismissal for Failure to Make Satisfactory Academic Progress**

*(Note: This procedure is not available to graduate students who have received failing grades in 9 or more credits).*

A department chairperson or a graduate program coordinator, upon the recommendation of the appropriate faculty committee, may recommend dismissal for a student who is failing to make satisfactory academic progress in their program. This recommendation shall be forwarded in writing to the associate dean of the Graduate School with a copy to the affected student. The associate dean of the Graduate School will act on the faculty recommendation and inform the student and the graduate program coordinator or department chair of the action taken. A student disagreeing with the action taken should make every effort to resolve the situation through informal discussions with the individuals involved in the decision. If the recommendation to dismiss is changed at this point, the associate dean will be notified and after review will notify the student of the decision. If the decision to dismiss stands, a student wishing to enter a formal appeal shall follow the procedure outlined below. Students who have been dismissed for failure to make satisfactory academic progress may, with the permission of the dean of the Graduate School, enroll as a special student in courses in their program pending a final decision on the appeal.

#### **Dismissal for Professional, Ethical, or Behavioral Misconduct**

Graduate students shall conduct themselves in a manner consistent with the norms and practices of their program and/or discipline.

A department chairperson or graduate program coordinator, upon the recommendation of the appropriate faculty committee at the department/

program level, may recommend dismissal for a student who is failing to meet the professional, ethical, and behavioral expectations of the program or otherwise fails to act in ways that are consistent with the norms and standards of the profession or discipline. This recommendation shall be forwarded in writing to the associate dean of the Graduate School with a copy to the affected student. The associate dean of the Graduate School shall act on the faculty recommendation and inform the student and the graduate program coordinator or department chair of the action taken. A student disagreeing with the action taken should make every effort to resolve the situation through informal discussions with the individuals involved in the decision. If the recommendation to dismiss is changed at this point, the associate dean will be notified and after review will notify the student of the decision. If the decision to dismiss stands, a student wishing to enter a formal appeal shall follow the procedure outlined below. Students who have been dismissed for professional, ethical, or behavioral misconduct may, with the permission of the dean of the Graduate School, enroll as a special student in courses in their program pending a final decision on the appeal.

***Appeals Process for Graduate Students Dismissed for Failure to Make Satisfactory Academic Progress or Professional, Ethical, or Behavioral Misconduct***

Step 1: The student shall request that the faculty member or committee making the original recommendation reconsider their decision, generally within 10 working days after the receipt of the official decision from the Graduate School. The student's request shall be written and shall contain any information which the student feels warrants a reconsideration of the decision. A copy of the request shall be sent to the dean of the Graduate School. As soon as possible after receiving this request, the faculty member or committee group will reconsider their decision and notify the student and the dean of the Graduate School of the result of their deliberations in writing. If the original recommendation is reversed at Step 1, the associate dean will review the new material and act on the recommendation and inform all parties involved.

Step 2: If the student is not satisfied with the decision reached in Step 1, they may request that the chairperson of the appropriate department or program convene a meeting of all graduate faculty members in the department or program to review the decision, generally within 10 working days after the receipt of the official decision reached in Step 1. The student's request shall be in writing, and a copy shall be sent to the dean of the Graduate School. After the meeting, the chairperson will provide the student and the dean of the Graduate School with written notification of the decision of the faculty. If the recommendation to dismiss is reversed by the graduate faculty, the associate dean will again review the case, act on the recommendation and inform all parties involved.

Step 3: If the student is dissatisfied with the decision reached in Step 2, they may request that the dean of the Graduate School review the decision, generally within 10 working days after the receipt of the official decision reached in Step 2. The student must request such a review in writing and stipulate the reasons for dissatisfaction with the decisions reached in the earlier steps in the review procedure. Within a reasonable period of time, the dean of the Graduate School will hold separate meetings with the student and the appropriate faculty and the associate dean to discuss the case. After these meetings and after reviewing any other information deemed appropriate, the dean of the Graduate School will inform the college dean about the appeal process to date. In consultation with the Graduate Council, the dean of the Graduate School will then arrive at a final decision, which will be communicated in writing to the student, the department or program faculty, and the college dean.

In Steps 1 and 2, the student may, at the discretion of the faculty body

involved in hearing the appeal, be present to state their case during the review of the appeal. A member of the University community may appear with the student, as an adviser, before the dean of the Graduate School and before any faculty meeting, which the student is permitted to attend. An adviser may be present, but may not directly participate, in any of these proceedings. Students shall not be present during deliberations.

Approved by the Graduate Council, April 6th, 2010.

Amended with approval by the Graduate Council November 3rd, 2017.

### **30 Acceptable Use Policy for Information Technology Resources at the University of New Hampshire**

The information technology resources provided by the University System of New Hampshire (USNH) and its component institutions support the educational, instructional, research, and administrative activities of the University System and those institutions. Use of these resources is a privilege that is extended to USNH community members. Inappropriate or improper use of these shared resources can impede or negatively impact availability for the rest of the community. As such, all community members are required to behave in a responsible, ethical, and legal manner during that use.

This Policy defines acceptable use of information technology resources at USNH and its component institutions and outlines the responsibilities and obligations of community members who are granted access to or use of these resources. Specifically, this Policy supports the following objectives:

1. Safeguarding the confidentiality, availability, integrity, and privacy of institutional information and enterprise information technology resources.
2. Providing a reliable information technology environment for all USNH community members.
3. Guaranteeing use of enterprise information technology resources is consistent with the principles and values that govern use of other USNH and component institution resources (e.g., facilities).
4. Confirming that enterprise information technology resources are used for their intended purposes.
5. USNH and component institution policies that govern freedom of expression, discriminatory harassment, and related matters in the context of standard written expression, also govern electronic expression as well. This policy addresses circumstances that are particular to information technology resources and is intended to augment, but not to supersede, other relevant USNH and component institution policies.

#### **Scope**

This Policy applies to anyone who utilizes USNH information technology resources, and all uses of those resources, irrespective of where the resources are being used. This includes students, faculty, staff, contractors, vendors, prior students/alumni, parents, volunteers, and external customers utilizing services provided by USNH.

For purposes of this Policy only, any individual who is authorized to access or use a USNH or component institution information technology resource is considered a member of the USNH community.

This Policy covers the use of all information and information technology resources owned, managed, licensed, or entrusted to USNH or one of its component institutions, regardless of who is providing those resources, how they are being provided, or how they are being accessed. Referred to throughout this Policy as institutional information and USNH information technology resources, this includes, but is not limited to:

1. Information technology resources administered by Enterprise Technol-

ogy & Services (ET&S) or contracted vendors.

2. Information technology resources administered or managed by individual administrative, academic, or business units.
3. Institutionally owned endpoint devices.
4. Institutional telecommunication services including voicemail.
5. Personally owned endpoint devices that connect to any USNH network.
6. Devices, regardless of device ownership, that connect to any USNH information technology resource, including students' use of devices.

Business Application Owners or Technology Service Owners have the authority to establish more restrictive requirements governing use of those resources in their care. When there are additional use restrictions for a specific information technology resource, individuals who need access to that resource shall be informed of those restrictions, and agree to abide by them, prior to access being granted.

### Acceptable Use

Acceptable Use of information technology resources is always ethical, reflects academic integrity, and shows restraint in the consumption of shared resources. It also demonstrates respect for intellectual property, ownership of data, information technology resource security, and freedom of intimidation and harassment. The following are explicitly defined as acceptable:

1. Use that supports the administrative, academic, research, outreach, service, and operational mission of USNH and each of its component institutions.
2. Use of information technology resources for which the community member has been authorized to access and use so long as that use adheres to the intended use of those resources.
3. Use that protects the intellectual property of others and the rights of copyright holders of music, videos, images, texts, and other media.

### Prohibited Use

Use of USNH information technology resources that is illegal, disruptive, or that has the potential to negatively impact other community members or shared information technology resources is prohibited. Use that violates a USNH or component institution policy, a contractual obligation, or that subverts the mission of USNH, or its component institutions is prohibited. The following uses of USNH information technology resources are explicitly prohibited:

1. Use or attempted use of any information technology resources without permission.
2. Use of another community member's credentials, even if the community member gives them permissions.
3. Sharing any password associated with enterprise or component institution credentials in violation of the USNH password policy.
4. Use of USNH information technology resources in violation of civil or criminal law at the federal, state, or local levels or in violation of any regulation.
5. Attempting to alter or reconfigure any USNH information technology resources, whether they belong to USNH or not.
6. Use that seeks to circumvent, defeat, or attempt to defeat information technology resource security controls.
7. Masquerading as or impersonating others or otherwise using a false identity without authorization, while accessing and/or utilizing USNH information technology resources.
8. Removal of any USNH-owned or administered information technology resource from its normal location without authorization.

For a comprehensive list of prohibited uses please refer to the Full Acceptable Use Policy found at: <https://www.usnh.edu/policy/usy/viii-cybersecurity-policies-and-standards/acceptable-use>.

### Community Member Responsibility

Members of the USNH Community shall be provided with the use of information technology resources. While accessing and using these resources, community members shall have a reasonable expectation of reliable use of these shared resources, and protection from abuse and intrusion by others sharing these resources.

Users are specifically advised that infringement of copyright laws constitutes a violation of the Acceptable Use Policy, and that UNH follows an established process to respond to complaints from copyright holders about students who allegedly violate the copyright law through electronic means such as peer-to-peer file sharing through personal computers. Under the provisions outlined in the Digital Millennium Copyright Act (DMCA) enacted in 1998, if you download, copy, use, or share copyrighted digital information files, including but not limited to music and movies, you are engaging in illegal activity that could result in legal action or University of New Hampshire Student Judicial System charges. If the university receives a lawfully ordered subpoena to provide personally identifiable information (such as name and address) matching an IP address that has been identified as an alleged source of copyright violations, it will comply. For additional information concerning the Digital Millennium Copyright Act (DMCA) and the University's compliance procedures visit <https://td.unh.edu/TDClient/60/Portal/KB/ArticleDet?ID=601>. The policy is periodically reviewed and updated. It is the user's responsibility to familiarize themselves with the updates

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## 31 UNH Behavioral Intervention Team

### *Statement of Need*

A key component of the University of New Hampshire's academic mission is the safety, health, and well-being of its students. Coordinated communication about students of concern is necessary at times to permit interventions that may interrupt disruptive and/or threatening behaviors before they escalate. Such interventions promote the well-being of the students directly involved, the safety of the community and the educational mission of the University to appropriately support members of its diverse student population as they progress toward completion of their courses of study. To promote appropriate and timely action, the University has established the Behavioral Intervention Team (BIT).

### *Purpose*

The BIT shall provide consultation to the Dean of Students or the Dean's designee regarding students who are at risk of harming themselves or others. The BIT promotes a consultative, coordinated response to community concerns regarding students who may be at risk of harming themselves, a direct threat of harm to others, who reject reasonable measures to accommodate their needs, require accommodations that cannot reasonably be offered and/or cannot meet essential eligibility requirements to continue their course of study.

Members come to the BIT with authority in managing both academic and co-curricular aspects of the University experience and may therefore spot trends and set up early intervention services as they evaluate behaviors from a variety of campus perspectives.

The BIT may suggest referrals to appropriate offices, and/ or mandate psychological and/or safety assessments as appropriate. The BIT may recommend that the Dean of Students administratively separate a student when it finds adequate basis under SRRR section 22.2.

### *Membership*

The Team shall consist of the Dean of Students or designee, Director of Living Well Services, Health & Wellness, Director of Residential Life; Director, Psychological and Counseling Services; Assistant Director, Housing; Director of Academic Advising; Director, Student Accessibility Services, and UNH Chief of Police. All members of the BIT may designate a senior staff member from their unit to receive training and serve as their representative to the BIT as needed and appropriate.

As appropriate the BIT shall consult on a need to know basis and collaborate with other UNH staff, faculty, and offices.

The BIT shall meet regularly during the Fall and Spring Semesters and may call meetings at any time if reported behavior of any student(s) is a direct threat to the student or any other person and/or substantially disrupts normal operations of any aspect of the University.

The purpose of BIT meetings shall be to review and act upon any reports of distressed behavior that becomes disruptive and behavior that threatens self or others that have come to the attention of any team or auxiliary team member.

### *Distressed, disruptive or threatening behaviors*

There are two categories of behavior which may require attention by the BIT.

1. Self-injurious behavior/suicide ideation or attempt.
2. Erratic and/or threatening behavior (including on-line activities) that substantially disrupts the mission or normal activities of students, faculty, or staff.

When a student's behavior suggests the need for the BIT's examination, the BIT may choose to seek more information, provide advice and counsel to those faculty or staff working with the student, or intervene using the tools listed below.

The BIT may use a variety of tools to intervene in disruptive or distressful situations to mitigate any risk to safety of the public or troubled student(s). Those tools include referrals to campus services, consideration of charges under the Code of Conduct in the Student Rights, Rules, and Responsibilities (SRRR), recommendations for Administrative Separation, and/or recommendations regarding voluntary health leaves of absence. In addition, the team may require a student to be individually evaluated for self-harm/suicide or risk of harm to others.

The BIT Chair shall develop protocols to guide the work of the BIT and shall consult with appropriate offices to a) coordinate a response to the situation, b) determine what to communicate to others affected by the situation, and c) determine if and how the community will be notified of action steps being taken. Information dissemination will be based on a determination by the team of who needs to know and what information is pertinent, in compliance with FERPA and HIPAA.

Examples of behaviors that should be brought to the attention of the team:

1. A student submits an English assignment containing a detailed description of committing suicide.
2. A student makes statements on social media about placing bombs on campus.
3. A residence hall director receives an email from a hall resident stating, "I'm going to kill everyone in my hall".
4. A student living in University owned housing displays a knife collection to fellow students and states that they have been planning to end the life of a fellow student.
5. A student corresponds with a faculty member using language that indicates severely disordered thinking.

### *Action Steps and Outcomes:*

The Team's deliberations may result in one of the following recommendations:

1. Continue at UNH with no restrictions.
2. Remain at UNH subject to conditions or recommendations.
3. Administrative Separation from the University.

**Notification of Family, Roommates, Faculty, and Others.** In deciding whether and how to notify family, roommates, teachers and others regarding a student's threatening behaviors, the team shall comply with FERPA. The team shall consider what prevents it from notifying significant others in a student's life about the student's potentially threatening behaviors and there shall be a presumption in favor of providing timely notice to persons affected by a student's threatening behaviors.

Persons reporting incidents shall be kept informed of the progress of the team, but may not be given therapeutic details of specific action steps unless the student has provided written permission to do so.

**Follow-up.** The BIT Chair may review on-going cases to determine if there are students who may need follow up contact in order to assess their need for continued assistance. If necessary, the BIT may be consulted. The University's educational environment promotes a high level of individual freedom and autonomy. The resources provided to the University or finite and it is not reasonable for the University to undertake to provide close supervision of students of concern. Accordingly, the decision to follow up or not to follow up with a student is at the sole discretion of the BIT Chair, and shall not be deemed to create an on-going duty of care to guarantee the safety of the student or any third party.



## 32 Student Social Media Policy

Students have extensive access to social media. Social media offer a variety of positive experiences and benefits to students, including increased engagement in the community, increased sense of social connection and sense of well-being. They also harbor a number of known risks to students' privacy, future employment, and current well-being. The risks include, but are not limited to: bullying, harassment, defamation and injury to reputation. Those risks are increased by the public nature and inherent insecurity of electronic digital communication. .

The purpose of this policy is to promote, instill and support habits of communication and character that will help UNH students be successful both in their progress toward completing their educational program and in their future lives.

Guidelines: Students are expected:

1. To be respectful, careful, responsible and accountable for their use of social media. A student's right to make a statement does not mean that the speech has no consequences in terms of impact on others, judgments made about the speaker by third parties, or the impact on future employers.
2. To respect the lack of privacy inherent in social media. For instance, communications intended to be private by their sender may be shared by their receiver and published widely.
3. To respect the abusive power inherent in social media.
  - o Example: An image, comment or video that a student intends to be funny may be published widely. That content may be disturbing or harmful to persons from other races, cultures or personal backgrounds due to the historical uses or abuses of images, words or concepts embedded in that content. Not only is it ethically wrong to hurt others if it can be avoided, but in the digital world the abuser may quickly become the recipient of threats, abuse and disparagement.
4. To respect the speed inherent in modern social media.
  - o Example: A student may post a statement to a nonpublic account, have the statement photographed and uploaded to a public Facebook page and begin receiving abusive messages within minutes of posting the original statement.
5. To be gracious and compassionate both in the statements they make and when they interpret the intentions of those making statements concerning them. Students should expect to be held responsible by others for what they say in all places, including on social media.
6. To understand that the University, acting through its senior administrators, may engage in public counter speech when a student engages in offensive speech toward others that is contrary to the published mission and purpose of the University.
  - o Example: A student makes a highly publicized statement that all noncitizens should be denied admission to the University. A senior University administrator may issue a statement on behalf of the University that it supports the rights of qualified noncitizens to receive an education at the University.

### **Policy:**

1. The University may, but does not regularly monitor the language and/or actions of students on public social media platforms, including Facebook, LinkedIn, Twitter, etc. However, while the University will defer to the user policies of the individual social medium, it will hold students accountable for reported related Code of Student Behavior violations. Students may not use social media to:

- a. to commit discriminatory harassment, Art. III.3.d, by creating a hostile environment for another. In determining whether statements, images or descriptions in social media create a hostile environment they must be both objectively and subjectively offensive, such that a reasonable person would find them hostile or abusive, and that the victim in fact perceived them to be so. To determine whether an environment is sufficiently hostile or abusive it is necessary to look at all the circumstances, including the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere insult; and whether it unreasonably interferes with another student's participation in academic, social or work life on this campus. Controlling law requires that simple teasing, an offhand comment, or an isolated incident (unless it is extremely serious) by themselves will not be sufficient to create a hostile environment, but the environmental impact, not the speaker's intention, is controlling. These standards for judging whether a hostile environment has been created is to ensure that this rule does not become a "general civility" rule used to punish disfavored, but legally protected, exercises of speech by students.
    - o Example: A student repeatedly sends messages containing racial epithets offensive to a member of protected class after the recipient has communicated to the sender that the racial epithet is offensive. This conduct may be found to create a hostile environment, even if the student claims that the messages were intended to humorous.
  - b. Post messages that threaten another, Art. III.3.b, incite imminent lawless action, Art. III, 17, or are otherwise unlawful harassment, Art. III.3.c, are defamatory or otherwise unlawful, Art. III.12.
  - c. Claim or imply that they are speaking on behalf of the University.
  - d. Intentionally inflict emotional distress on others.
  - e. Violate any provision of the Acceptable Use Policy, OLPM UNH, VI.F.5.6, the Student Code of Conduct or provision of state or federal law.
2. The University recognizes that social media behavior is entitled to extensive protections under the First Amendment. The University guarantees and protects the speech rights of students. This policy will be interpreted with those protections in mind.
  3. UNH employees: This policy does not supersede guidance and instruction given to UNH employees.

### **Procedure:**

1. Any faculty, staff or student may complain in writing to the Dean of Students, Director of Community Standards or their designee about a student's use of social media. Complaints may also be submitted to the Director of Affirmative Action and Equity through [Affirmative Action and Equity](#).
2. The Dean of Students, Director of Community Standards, Director of Affirmative Action & Equity or their designee may initiate a mandatory educational conversation with the student and/or the complainant.
3. The Dean of Students and Director of Affirmative Action and Equity may appoint an independent investigator to gather evidence and information and/or a University Complainant to bring conduct charges forward under the Student Code of Conduct when they find that a student, faculty or staff member has presented sufficient evidence of a violation of this policy. In all cases, the Dean of Students and Director of Affirmative Action and Equity may share reported violations of this social media policy with the Chief of Police.



4. Evidence: content, context, intention and impact are all important to judging whether social media violate this policy. Students are encouraged to promptly and thoroughly document violations of this policy by preserving the entirety of social media behavior that they believe constitutes a violation of this policy.
5. When two or more students allege that there are mutual violations of the social media policy arising from the same incident the University may find both parties responsible for a violation of this policy. The mutually offending behavior normally will be treated as a mitigating factor in determining sanction, even if there are not mutual allegations.
  - o Example: Student A reports and documents that Student B posted a death threat against them. Student B reports and documents that Student A posted a series of disparaging gender epithets directed at Student B, including after Student B requested that the conduct cease. Both Student A (discriminatory harassment) and Student B (threat) may be found to have violated the Student Code of Conduct. In assessing Student B's sanction, however, the on-going harassment may be found to justify a less severe sanction than normal.
6. When a student is found responsible for violating this policy, educational sanctions, such as educational conversations with faculty or staff, or attendance at events or classes intended to promote educational outcomes, will be considered and included in the sanction order as appropriate.
7. Notification of the final results of a disciplinary proceeding under this policy may be made to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. In all instances, notification of the final results of a disciplinary proceeding under this policy will be made to the Dean of Students and Director of Affirmative Action and Equity.
8. If a student is found to have used social media to threaten any crime against another student with the purpose of terrorizing that student. The behavior will be reported to the UNH Police Department.

# The University and Federal, State, and Local Laws

## The Family Educational Rights & Privacy Act of 1974, as Amended

### Annual Notice to UNH Students

Each year, the University of New Hampshire, in compliance with the Family Educational Rights and Privacy Act of 1974 (the Buckley Amendment), informs students of their rights under the act. The Buckley Amendment was designed to protect the privacy of student education records, to establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students may also have the right to file complaints with the Family Policy and Compliance Office concerning alleged failures by the institution to comply with the act.

### Section I: Family Educational Rights and Privacy Act Guidelines

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

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the records(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record, the University will notify the student of the decision and advise students of their rights to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when they are notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit,

personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or students serving on an official committee, such as a disciplinary or grievance committee, or assisting school officials in performing their tasks.

School officials have a legitimate educational interest if they need to review an education record in order to fulfill their professional responsibility.

Upon request, the University discloses education records including records of disciplinary action, without consent, to officials of another school in which a student seeks or intends to enroll.

Students may authorize persons of their choosing to access UNH billing, financial aid, and certain academic history information through the Parent Portal. This replaces the "authorized Payer" service. (April 23, 2007)

4. The University occasionally receives court orders and grand jury subpoenas requiring it to produce a student's educational records. The University usually makes reasonable efforts to notify the student of the order or subpoena before complying, except when the order or subpoena itself requires that the student not be notified.

5. The right to file a complaint with the U.S. Department of Education concerning alleged failure by the University of New Hampshire to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

*Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605*

*Effective 1998*, The Family Educational Rights and Privacy Act was amended to permit postsecondary institutions to disclose, to parents or legal guardians of students under the age of 21, information about violations of law and campus policies regarding alcohol or other drugs. The University of New Hampshire provides such notification in certain situations. The parental notification policy is contained herein under Alcohol, Tobacco, and Other Drug Policies. For full text of the amendment, please see footnote.<sup>1</sup>

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which students' education records and personally identifiable information (PII) contained in such records — including their Social Security Number, grades, or other private information — may be accessed without the student's consent. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to student records and PII without the individual's consent to any third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program

1. Section 444 of the General Education Provisions Act (20 U.S.C. 123g) is amended by adding...

#### (i) Drug and Alcohol Violation Disclosures

(1) IN GENERAL—Nothing in this Act or the Higher Education Act of 1965 shall be construed to prohibit an institution of higher education from disclosing, to a parent or legal guardian of a student, information regarding any violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's educational records, if—

(A) the student is under the age of 21; and (B) the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

The University of New Hampshire discloses students' alcohol or other drug related violations under the Code of Conduct to their parents or legal guardians at the time that they are charged, without obtaining students' permission for the disclosure. The University believes that this policy of prompt notification of parents is consistent with the U.S. Department of Education's interpretation of its regulations governing such disclosures. See 34 C.F.R. §99.31 (a) (15) and 65 Federal Register, 41863 (July 6, 2000) ("Congress intended to make it easier for institutions to inform parents of drug and alcohol violations by allowing the institution to release the information without conducting a formal disciplinary hearing"). The disclosure does not deprive students of the opportunity to contest charges or drug and alcohol violations through the University disciplinary process.

that is administered by an education agency or institution. Second, Federal and State Authorities may allow access to a student's education records and PII without prior consent to researchers performing certain types of studies, in certain cases even when UNH objects to or does not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive students' PII, but the authorities need not maintain direct control over such entities. In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without prior consent PII from students' education records, and they may track students' participation in education and other programs by linking such PII to other personal information that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

## **Section II: Directory Information About Students**

A. The act provides that "directory information" may be made available to third parties without requiring permission of the student. However, public notice must be given of the intent to publish the information, so that students can request that all or part of this information not be made public. "Directory information" (other than that for specialized programs and activities) should be requested from the Registrar's Office and consists of the following item:

1. Student's name, address, telephone listing, and email address;
2. Major field of study;
3. Participation in officially-recognized activities and sports;
4. Weight and height of members of athletic teams;
5. Dates of attendance;
6. Degrees and awards received;
7. Most recent previous educational institution or agency attended by the student;
8. Class;
9. Honor rolls;
10. Enrollment status.

*Note:* Grades are considered "directory information" to the extent that honor rolls may be published. Also, transcripts of students' academic records or students' grade-point averages may be released to the faculty advisers of officially-recognized honor societies on campus upon request. Only the faculty members have the right to access students' records or grade-point average.

*Note:* The right to opt out of the public release of directory information does not include the right to refuse to wear or use a student identification card or badge that contains identifying information, if university officials have determined that such student identification is necessary.

**For general information concerning the Family Educational Rights and Privacy Act of 1974, as Amended or for assistance in locating individuals or offices maintaining a student's education records, please contact the following campus offices:**

**Dean of Students:** Thompson Hall, 862-2906

**Provost and Executive Vice President for Academic Affairs:** Thompson Hall, 862-3290

Copies of the Family Educational Rights and Privacy Act of 1974, as Amended are available in the Dimond Library at the Reference Desk, and on the Web site for the Department of Education: [www.ed.gov/](http://www.ed.gov/).

## **Alcohol and Illegal Drugs**

The University of New Hampshire 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 University of New Hampshire's publications.

The Drug-Free Schools and Communities Act Amendments of 1989 require that the University of New Hampshire, 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 the University of New Hampshire are notified of the following:

1. The unlawful possession, use, and distribution of illicit drugs and alcohol on the University campus or during University-sponsored activities are prohibited.
2. 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.
3. 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.
4. 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.

## **Federal Drug Laws**

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of Federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

### **1. Denial of Federal Benefits 21 U.S.C. 862**

A Federal Drug Conviction may result in the loss of Federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal Drug Trafficking convictions may result in denial of Federal Benefits for up to 5 years for a first conviction, 10 years for a second conviction, and permanent denial of Federal benefits for a third conviction. Federal Drug convictions for possession may result in denial of Federal benefits for up to 1 year for a first conviction and up to 5 years for subsequent convictions.

### **2. Forfeiture of Personal Property and Real Estate 21 U.S.C. 853**

Any person convicted of a Federal drug offense punishable by more than 1 year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

### **3. Federal Drug Trafficking Penalties 21 U.S.C. 841**

Penalties for Federal Drug Trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on Federal charges of drug trafficking within 1,000 feet of a University (21 U.S.C. 845a) face penalties of prison terms and fines which

are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

#### 4. Federal Drug Possession Penalties

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000.

#### *New Hampshire State Laws*

The legal drinking age in New Hampshire is 21. If you are under 21, it is illegal to (1) have in your personal possession any alcoholic beverages, (2) misrepresent your age for purpose of obtaining alcoholic beverages, (3) drive in a car having alcoholic beverages except when accompanied by a parent, guardian, spouse 21 years of age, (4) be in an area where alcoholic beverages are served unless accompanied by person 21 years of age, (5) be intoxicated by consumption of an alcoholic beverage (alcohol concentration of .02 or more is evidence of intoxication). Penalty: fine and/or time in jail.

It is illegal for anyone to (1) sell, give away or procure alcoholic beverage to a minor or individual who is intoxicated (2) charge for alcoholic beverages without a license (3) manufacture, sell, possess or use a falsified ID (4) to lend a driver's license to be used for unlawful purpose. Penalty: fine and/or jail sentences.

#### 1. (DWI) Driving While Intoxicated and Driving Under the Influence (DUI)

You may be found guilty of DWI if you drive a vehicle while you have a 0.08% blood alcohol concentration if 21 years of age or 0.02% if under the age of 21.

#### 2. Unlawful Possession

Any person under 21 years of age who has in their possession any alcoholic beverages is guilty of a violation and will be fined a minimum of \$250. Any second and/or subsequent offenses will be fined at least \$500. A penalty assessment fee of 17% will be added to the above fines.

If you are under the age of 21 and are found guilty of illegal possession of alcohol you will be given a probationary driver's license until 21 years of age. Any subsequent alcohol violations will result in suspension of driver's license.

It is a violation for a minor not only to possess alcohol, but also to be intoxicated or have a BAC level of .02 or more (internal possession of alcohol). Penalty: fine and/or suspension of driver's license or privilege to drive.

#### 3. Keg Registration Law

Law requires sellers of keg beer to create a record of purchases and to obtain the identity of the purchaser. Sellers will attach a unique label to the retail keg which will enable law enforcement to determine the identity of the seller as well as the purchaser. If contents of the keg are consumed by a minor, law enforcement will have an avenue to identify the purchaser of the keg. Any person who removes the label shall be guilty of a violation which is punishable by a \$1,000 fine.

#### *Description of Health Risks*

Serious health and personal risks are associated with the use of illegal drugs, misuse and abuse of prescription drugs and abuse of alcohol. They may include temporary or permanent physical or mental impairment, and injury or death. Use and abuse of such substances may also give rise to conduct which causes injury, death or damage to the user/abuser or to the person or property of others, resulting in criminal or civil prosecution and liability. Use and abuse of such substances may also lead to unsafe and/or non consensual sex, unwanted pregnancy, and may cause defects, injury or death in unborn children. Consequences may also include temporary or permanent loss of educational or employment opportunities.

## 1. Alcohol

The Food and Drug Administration defines low-risk drinking as:

- No more than 1 drink per day for women (if daily)
- No more than 2 drinks per day for men (if daily)
- Avoid excessive (heavy or binge) drinking. Avoid alcohol if you are pregnant or may become pregnant; if under the legal drinking age; if you are on medication that can interact with alcohol; if you have medical conditions that could be worsened by drinking; and if planning to drive, operate machinery, or do other activities that could put you at risk if you are impaired.

Do not begin drinking or drink more frequently on the basis of potential health benefits.

Alcohol is a depressant drug that is legal in the United States for those over the age of 21 years. Small quantities of alcohol (low-risk) have for a legal-aged user has not been linked to any increased health risks, and in some cases, has been credited with some health benefits.

However, higher quantities (high-risk use) have been associated with increased risk for breast and colon cancer and in heart disease, as well as with a variety of unintentional consequences.

*Effects*—The users may experience a general relaxation, mild reduction in inhibitions and some impairment in judgment in low-risk amounts. Higher risk quantities may result in the user having greater impairment in judgment, alertness and coordination.

*Risks*—High-amounts can increase risk for:

- Risk taking behaviors (example: sexual, driving)
- Alcohol poisoning which can include: passing out (coma or becoming unconscious) nausea/vomiting and memory loss (black outs)
- Hostility or other behavior changes.
- Dependence and/or addiction
- Uncharacteristic family, school, work and/or legal problems
- Health problems such as cancers, health disease and cirrhosis of the liver
- Unintentional injuries and death
- Birth and developmental defects if exposed during pregnancy

Additionally, alcohol taken with other drugs can intensify the effects of the drug, alter the desired effect of the drug and can cause nausea, sweating, severe headaches, convulsions and death by overdose.

## 2. Cannabis (Marijuana, hashish, dabs, hash oil)

These drugs are illegal under federal and state law. The State of New Hampshire however, decriminalized possession of certain amounts of marijuana effective September 16, 2017. Please review chapter 318:B of the New Hampshire statutes for more information

*Effects*—Users may experience euphoria, relaxation and/or drowsiness and an increased appetite. Short-term effects may include impaired short-term memory, impaired concentration, and attention. Long-term effects may include addiction (both psychological and physical), anxiety and memory loss. Users also report lack of motivation or difficulty setting and reaching goals.

*Risks*—There is little risk of overdose however there is a risk of an increasing tolerance which can lead to increased use. There are also medical com-

plications such as: increased risk of respiratory infections, emphysema, certain cancers, and fertility issues.

*Medical Marijuana.* University policies and the Student Code of Conduct prohibit UNH students from possessing, using or distributing marijuana. Federal law similarly prohibits the possession use and distribution of marijuana, and compliance with federal law is a condition to continued access to federal research and student financial aid programs. Several states have passed laws allowing the possession and use of marijuana for the treatment of certain medical conditions.

In order to balance students need for proper medical care and compliance with University policy and federal law, the following protocol will be observed. A student with a medical need and a prescription for medical marijuana shall contact the Dean of Students or Student Accessibility Services office to: (a) obtain permission to live in off-campus housing without financial penalty within the first 30 days of each semester and (b) to arrange with the UNHPD for temporary possession of personal supplies of medical marijuana and that will be released back to the student when the student affirms that s/he is living off-campus and affirms that s/he will not possess, use or distribute marijuana on campus.

### **3. Stimulants (Cocaine; Methamphetamine e.g., Ritalin; Amphetamines e.g., Adderall)**

Stimulants speed up the mental and physical processes of the body. Historically they have been used both in their legal (nicotine and caffeine and in the treatment of ADD/ADHD) and illegal forms. These substances help keep people awake, provide more energy, and suppress appetite. They have also been prescribed by physicians to increase enhance focus and concentration in individuals with ADD/ADHD. These drugs can be addictive and can produce withdrawal symptoms if stopped.

*Effects*—The user may experience an increased heart rate, increased energy and increased alertness. Users may also find they have an increased blood pressure, excessive talkativeness, and increased anxiety. In large doses, users find loss of coordination, dizziness, anxiety, cardiac and respiratory distress, and seizures, among other concerns.

*Risks*—Increase in body temperature, hallucinations, convulsions and possible death.

### **4. Depressants (Barbiturates, Benzodiazepines)**

Depressants can also be legal and illegal. The most popular legal depressant is alcohol (see below). Depressants slow the central nervous system and may be prescribed by a physician to induce sleep, reduce stress, or help control anxiety. There is a danger of overdosing with depressants.

*Effects*—The user may experience some relaxation, calmness, drowsiness and even euphoria. In high levels the user may experience confusion, disorientation and impaired motor coordination, including slurred speech and loss of balance.

*Risks*—Overdose may produce shallow breathing, clammy skin, weak and rapid pulse, coma and possible death. Risk of overdose is increased when the person combines depressant drugs (intentionally or accidentally).

### **5. Hallucinogens (Mushrooms, LSD, PCP)**

These are drugs that alter a person's state of mind and mood. Some types produce hallucinations, causing the person to hear, see, and smell things that are not real. Dissociative drugs do not cause hallucinations, but can cause people to feel disassociated with their body, or feel detached from their surroundings.

*Effects*—Users may experience illusions or hallucinations. They may become confused, experience panic, anxiety, depression, and poor perception of time and distance.

*Risks*—Users may experience respiratory failure or death due to careless or accidental behaviors.

### **6. Drugs and the Body—Narcotics (ex . Heroin, Fentanyl, Carfentanil, OxyContin, Vicodin, Percocet)**

There are legal and illegal narcotics. Narcotics are effective in pain control and for other medical purposes when prescribed by a health care provider and used as directed. Use is often diverted however, which can produce multiple problems as narcotics are highly addictive and often associated in drug dependency and overdoses.

*Effects*—The user may experience initial euphoria, followed by drowsiness and nausea. Someone under the influence may have constricted pupils, watery eyes and a “dazed” look.

*Risks*—There is a risk of overdose with narcotics and users may develop slow, shallow breathing, clammy skin, loss of appetite and weight. Overdose can lead to possible death without intervention. Narcotics are highly addictive and may require inpatient treatment to safely detoxify the body.

### **7. Predatory Drugs (Rohypnol, GHB)**

These drugs are considered predatory because of their sedative affects. They can leave an individual with no recollection of what happened. They are colorless and odorless and when mixed with soda, alcohol and other beverage become virtually undetectable. They metabolize quickly and can become difficult to detect in as little as 12 hours.

*Effects*—Causes distortion in perception, delirium and amnesia.

*Risks*—Incapacitates user and can cause coma and seizures and amnesia.

These drugs are linked with sexual assault.

### **8. Club Drugs (Ecstasy)**

Ecstasy comes in a tablet or capsule form. It is a synthetic drug **that** has stimulating and psychoactive properties similar to methamphetamine.

*Effects*—Can cause increased euphoria, energy and emotional warmth as well as distortion in time perception and tactile experiences. It can also cause nausea, chills, sweating and muscle cramps.

*Risks*—Users can experience impaired memory and learning, paranoia, psychotic behavior, hyperthermia, cardiac and liver toxicity, along with renal failure and death.

### **9. Dissociative Drugs (Ketamine, PCP)**

Dissociative drugs can cause a person to feel disassociated from their body, or feel detached from their surroundings.

*Effects*—Users may experience feelings of detachment and distortions of space, time and body. They may become confused, experience panic, anxiety, depression, feelings of invulnerability **or exaggerated strength.**

*Risks*—Users can exhibit violent behavior, loss of coordination, severe muscle contractions, kidney damage, convulsions and possible death.

### **10. Steroids (Anabolic)**

Anabolic steroids are synthetic substances similar to the male sex hormone testosterone.

They are generally taken orally or injected. Steroids are often abused to build muscle or enhance performance.

*Effects*—Using steroids can cause liver damage, water retention, and high blood pressure for both men and women. Side effects for men include shrinking testicles, baldness, breast development and infertility. For women, side effects include facial hair, male patterned baldness, menstrual changes and deepened voice.

*Risks*—Abuse by adolescents can prematurely end their growth spurt causing them to remain shorter in height than they would have been. There

is also the potential for fatal liver cysts, liver cancer, blood clotting problems, cholesterol changes and hypertension which can lead to heart attack or stroke. It has also been suggested that high dose use can increase aggression

### **11. Synthetic Cannabinoids (Spice, K2)**

These are synthetic designer drugs that are intended to mimic THC - the main active ingredient of marijuana. These designer synthetic drugs are from the synthetic cannabinoid class of drugs that are often marketed and sold under the guise of “herbal incense” or “potpourri.” Synthetic cannabinoids are not organic, but are chemical compounds created in a laboratory. Since 2009, law enforcement has encountered numerous different synthetic cannabinoids that are being sold as “legal” alternatives to marijuana. These products are being abused for their psychoactive properties, and are packaged without information as to their health and safety risks.”

*Effects* -- Users may experience elevated heart rate, elevated blood pressure, unconsciousness, tremors, vomiting, tingling, hallucinations, agitation, anxiety, disorganized thoughts, and/or paranoid delusions.

*Risks* -- Users can experience seizures, acute psychotic episodes, overdose, dependence, and withdrawal.

## Alcohol and Drug Interaction

Examples of Drugs/Medications and possible symptoms treated	Some possible reactions with alcohol
Allergy Symptoms, Colds, Flu (Examples: Allegra, Benadryl, Tylenol Cold, Nyquil, Pseudoephedrine, etc.)	Drowsiness, dizziness; Increased risk for alcohol overdose
Attention Deficit (Examples: Adderall, Ritalin, etc.)	Diminished drowsiness from alcohol. May lead to over consumption of alcohol, increased intoxication
Anxiety and Epilepsy (Examples: Ativan, Valium, Paxil) Herbal: Kava Kava	Drowsiness, dizziness, increased risk for overdose; slowed or difficulty breathing. Impaired motor skills, unusual behavior, memory problems, Liver damage, drowsiness
Arthritis (Example: Celebrex)	Ulcers, stomach bleeding, liver problems
Blood Clots (Examples: Coumadin)	Occasional drinking may lead to internal bleeding, heavier drinking also may cause blood clots, strokes, or heart attacks
Cough medicines (Examples: Delsym, Robitussin A-C)	Drowsiness, dizziness, increased risk for overdose
Depression (Examples: Lexapro, Celexa, Prozac, Zoloft) Herbal: St. John's Wort	Drowsiness, dizziness, increased risk for overdose; increased feelings of depression or hopelessness in adolescents (suicide)
Diabetes (Example: Glucophage)	Abnormally low blood sugar levels, flushing reaction; Nausea, vomiting, headache, rapid heartbeat, sudden changes in blood pressure
Heartburn, indigestions, sour stomach (Examples: Zantac, Tagamet)	Rapid heartbeat, sudden changes in blood; increased alcohol effect
High blood pressure (Examples: Accupril, Cardura, Hytril, Lopressor HCT)	Dizziness, fainting, drowsiness; heart problems such as changes in the heart's regular heartbeat
High cholesterol (Examples: Lipitor, Crestor)	Liver damage (all medications); increased flushing and itching, increased stomach bleeding
Infections (Examples: Flagyl, Nizoral, Tindamax)	Fast heartbeat, sudden changes in blood pressure; stomach pain, upset stomach, vomiting, headache, or flushing, or redness of the face; some medications can cause liver damage
Muscle pain (Examples: Flexeril, Soma)	Drowsiness, dizziness; increased risk for overdose; increased risk for seizures, slowed or difficulty breathing; impaired motor control; unusual behavior; memory problems
Nausea, motion sickness (Examples: Antivert, Atarax)	Drowsiness, dizziness, increased risk for overdose
Pain (headache, muscle, minor arthritis) fever (Examples: Ibuprofen, Naproxen, Aspirin, Acetaminophen)	Stomach upset, bleeding and ulcers; liver damage (acetaminophen); rapid heartbeat, possible risk for increased intoxication.
Seizures (Examples: Klonopin, Dilantin)	Drowsiness, dizziness; increased risk of seizures
Severe Pain (Examples: Percocet, Vicodin, Demerol)	Drowsiness, dizziness; increased risk for overdose; slowed or difficulty breathing; impaired motor control; unusual behavior, memory problems
Sleep Problems (Examples: Ambien, Lunesta, Restoril) Herbal remedies for sleep problems (Examples: Valerian, SAMe)	Drowsiness, sleepiness, dizziness, slowed or difficulty breathing; impaired motor control; unusual behavior, memory problems

*Adapted by information provided by the National Institute on Alcohol Abuse and Alcoholism [www.niaaa.nih.gov](http://www.niaaa.nih.gov)*

**USNH Policy Governing Alcohol and Controlled Substances**

**Use of Alcohol and Controlled Substances During Work Hours**

1. Using, possessing, or being under the influence of alcoholic beverages, amphetamine-type drugs, barbiturate-type drugs, cannabis-type drugs, cocaine-type drugs, morphine-type drugs, hallucinogenic drugs, or any controlled drugs as provided in RSA 318-B during work hours by University System employees is prohibited. The only exceptions are the use of alcoholic beverages when permitted by policy and the use of drugs in strict accordance with the prescription of a physician or dentist.
2. Safety considerations and concern for the image of the institution require that discretion be exercised in the use of alcoholic beverages either on or away from University System property during meal or break periods.
3. In situations where the use of certain types of medication may negatively affect mental concentration or coordination (such as antihistamines or “mood altering” drugs), safety considerations may require temporary reassignment of duties and responsibilities by the department chairperson or supervisor following notification of such use by the faculty or staff member.
4. In the event that a faculty or staff member is found to be acting against policy as stated above, they will be subject to appropriate action, which may include a warning, reprimand, suspension, or discharge.

**Alcoholism and Drug Addiction**

1. The University System of New Hampshire views alcoholism and drug addiction as highly complex diseases which, once they have been recognized, can be arrested by appropriate treatment, and for which the same consideration is given to faculty and staff as in the case of other illnesses. The USNH Alcohol Assistance Program is available to any seeking help in dealing with this illness.
2. Supervisors who have documentation of a faculty or staff member’s deficient or deteriorating performance which they believe may be related to use of alcohol or drugs must discuss options for handling the problem with the personnel officer or other official designated by the campus chief executive officer. Supervisors shall not engage in diagnosis or establishing treatment plans for employees. The employee must then be confronted and asked to seek medical assistance. The decision to undertake treatment through qualified sources is the responsibility of the individual faculty or staff member.
3. The individual’s employment status will in no way be affected by the decision to seek treatment. They will continue to be covered by applicable personnel policies. If cooperation in obtaining treatment does not occur and work performance continues to be deficient, or if treatment does not result in evident improvement of performance within a reasonable period, a performance review will be conducted to allow for appropriate determination concerning the individual’s future employment status, within the framework of existing policy. In cases where such action is taken, it will be based on evidence of poor job performance, such as frequent absences and neglect of duties and responsibilities, drastically altered moods, physical or verbal abuse, and deterioration of working relationships.

*(Approved by the Administrative Board May 17, 1985)*

**UNH Policy on Drug-Free Workplace**

The University of New Hampshire as an employer strives to maintain a workplace free from illegal use of controlled substances.

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 University recognizes controlled substances dependency as an illness and a major health as well as potential safety or security problem. Employees are encouraged to seek assistance by contacting The Employee Assistance Plan, appointments: 1-800-628-2417, 24-hour Crisis Intervention: 1-800-424-1749, as well as utilizing health insurance and appropriate leave of absence plans. Conscientious efforts to seek such help will not jeopardize any employee’s job and will not be noted in any personnel record.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a drug criminal statute. A report of a conviction must be made to the immediate supervisor within five (5) working days after the conviction. If the employee is covered by a grant or contract, the University must notify the contracting agency within ten (10) days after receiving a notice of conviction. (These requirements are mandated by the Drug-Free Workplace Act of 1988.)

**Alcohol and Other Drug Assistance Services for Students and Employees**

The University of New Hampshire is concerned about the use of and addiction to alcohol and other drugs. In order to assist individuals who struggle with this issue the following services are available.

**Employees**

Human Resources, 862-0501, can provide assistance in area of policy clarification and options available, as well as information on benefits.

- Human Resources.....603-862-0501
- Employee Assistance Program 24-Hour confidential counseling and referral service .....800-424-1749
- Health & Wellness, Support group information, resources/referral .....603-862-3823
- Health & Wellness Medical Assistance .....862-9355 (WELL)

**Alcohol/Other Drug Education and Assistance Services**

**Students**

- **Urgent Care for Alcohol or Other Drug Emergencies/Overdose**  
Call 911 for urgent care for someone in crisis from alcohol ingestion or incapacitation. Remember, if you are dialing 911 from a cell phone you must give location information and it may take longer than if dialing 911 from a land line phone.
- **Counseling and Intervention Services**  
Students concerned about their own drinking behavior or other drug use or that of someone close to them, may speak confidentially with an alcohol, tobacco, and other drug educator/counselor. Counseling is provided on a short-term basis; referrals are made to community-based counseling/treatment facilities. Call 862-3823 to speak with a licensed alcohol, tobacco and other drug counselor or 862-2090, to speak with a staff member at Psychological and Counseling Services.
- **Mandated Alcohol and Other Drug Education**  
Students may be referred to the Health & Wellness to complete mandated alcohol or other drug education by Community Standards, or by the local court system. There are two classes offered—one for first offense alcohol and one for first offense drugs. Both classes involve an initial meeting with an alcohol, tobacco and other drug educator/counselor, completion of the appropriate class and an exit



meeting. Students referred for a second or multiple offenses will meet individually with an alcohol, tobacco and other drug educator/counselor for a minimum of two, one-hour **sessions**.

- **Support Groups**

Health & Wellness, maintains an updated listing of support groups available on-campus and in the surrounding communities. Call 862-3823 or visit [www.unh.edu/health](http://www.unh.edu/health) for meeting locations and times.

- **Education and Consultation**

Health & Wellness offers a full-range of prevention and intervention opportunities for the UNH Community. The UNH Alcohol, Tobacco and Other Drug Program, offers workshops, trainings and resources to students, faculty and staff on a variety of topics. To find out more visit [www.unh.edu/health/well/atod](http://www.unh.edu/health/well/atod).

- **Recovery Services**

Students in recovery can contact Health & Wellness or Psychological and Counseling Services for counseling, support and referrals to support and manage their recovery.

- **Information on Alcohol and Other Drug Policies**

Students can contact Community Standards for information on policies, sanctions and processes.

- **Safe Rides**

Safe Rides gives UNH students a sober ride home. It operates Thursday - Saturday, 11 p.m. - 3 a.m. Students can call 603-365-6406 to access the service.

#### Additional Information on Services and Education

[www.unh.edu/health/alcohol/resources](http://www.unh.edu/health/alcohol/resources)

*This information is provided in compliance with the Drug Free Schools and Communities Act.*

## Annual Campus Crime Report: Safety and Security Information

### University Police and Campus Safety

The University Police Department reports to the Vice President for Finance and Administration. The Chief of Police is responsible for the management of the University Police Department and reports to the Vice President for Finance and Administration. However, all public safety services are coordinated with other key university, state and local officials.

The University Police Department, consisting of Patrol, Support, and Campus Safety Services, provides continuous year round Campus Safety and law enforcement to the university community. Twenty-four hour patrol and dispatch services are provided with access to State and Municipal emergency services. University Police Officers are certified by the New Hampshire Police Standards and Training Council and are sworn with full police powers.

In addition to the Police personnel of the department, Campus Safety officers patrol the campus and residential halls on a regular, daily basis. Campus Safety personnel receive in-service training and training from the Tri-State Security Academy.

The University of New Hampshire Communications Center, staffed by professional emergency dispatchers, operates on a twenty-four hour basis and receives all calls for emergency and routine service. Communications specialists instantly dispatch the appropriate response and have the ability to communicate with local, county, state and federal agencies when required.

**All Emergency calls should be made to 911.** Regular business calls of a non-emergency nature can be made to the University Police Department (862-1427) at any time.

If you call the University Police Department, please provide the following information:

- Your name and phone number.
- Location of the incident you are reporting.
- A description of the scene and suspects.
- A description of any vehicles involved in the incident, especially a license plate number

The most important thing to remember is that suspicion of a crime does not require proof. If you suspect that a crime is being committed or has been committed, call the University Police Department immediately.

### Building Security

Academic and support buildings are available to authorized members of the campus community and to official visitors and/or individuals who have legitimate business needs during hours the buildings are open.

All buildings are secured each night and are open only during normal business hours.

Entry after normal hours is only available to faculty, staff and authorized students, as determined by the appropriate academic or administrative offices.

Buildings are patrolled and checked by University Police and Campus Safety staff who are equipped with emergency telephone and fire detective systems directly connected to the emergency dispatch center.

Certain buildings are alarmed for the protection of contents and personnel and the alarms are activated when any illegal entry is made. Immediate response to the alarm location is made by University Police personnel.

All UNH residence halls and undergraduate apartments are secured 24/7.

All residence halls and undergraduate apartment buildings are equipped with an electronic card access system that allows authorized students to gain access to a building by swiping their University ID card through a card reader located at designated exterior doors.

From 7 am to 9 p.m., all students living in on-campus housing will have access to all residence halls and on campus undergraduate apartments. From 9 p.m. to 7 am, only students living in each residence hall or apartment building will have access to that building.

Hall staff perform regular assigned building checks each evening and, in addition, regular patrol/building checks are made by Campus Safety personnel of the University. Unscheduled patrols of the residence halls are conducted by officers of the University Police Department as well. Safety and security checks made in the residence halls are expected to detect damage to doors, windows and safety features. Any suspicious activity, suspicious person, or crimes in progress should be reported immediately to the University Police Department.

### Policies on Alcohol and Illegal Drug Use

The University of New Hampshire adheres to and enforces its policies related to alcohol and illegal drug use. These policies are consistent with federal and state laws and are published annually in the Student Rights, Rules, and Responsibilities. Numerous programs related to alcohol and drug education are provided for students.

### Crime Prevention Resources and Services

The University of New Hampshire provides direct service programs to the members of the University community. These programs are dedicated to

the prevention of crime on campus; they vary in scope and content, with the emphasis on community involvement. Specific programs dealing with campus safety and security services include the following:

<b>Security audits of buildings</b>	<b>862-1427</b>
<b>Escort service</b>	<b>862-1427</b>
<b>Operation Identification</b>	<b>862-1427</b>
<b>Self defense training</b>	<b>862-1427</b>
<b>Campus lighting checks and surveys</b>	<b>862-1427</b>
<b>Criminal incident evaluations and reports to the campus Community policing programs</b>	<b>862-1427</b>
<b>Professional counseling services</b>	<b>862-2090</b>
<b>Alcohol assistance programs:</b>	<b>862-3823 (8–4:30)</b>
	<b>862-1530 (after hours)</b>
	<b>1-800-451-1715 anytime</b>

### **Sexual Harassment and Rape**

<b>Prevention Program</b>	<b>862-3494</b>
<b>Residential hall safety programs</b>	<b>862-2268</b>

The key to preventing crime is awareness, which is best achieved through education. At UNH, police, Campus Safety, residence life staff, students, and others help students take responsibility for their own safety.

The majority of incidents on college campuses can be avoided if students recognize that they can become victims and take basic precautions, such as walking in groups at night and keeping residence doors locked. These messages are given to all UNH students from the first day they arrive on campus in meetings with resident assistants and throughout the academic year in regular programs presented on campus by various offices.

### **Passenger Rail Service**

The railroad tracks and surrounding area are private property and are off limits. Trespassing on the railroad tracks is dangerous and may result in a summons.

### **Cooperative Law Enforcement Functions**

The University of New Hampshire Police Department continually works in concert with local, county, state and federal law enforcement agencies.

The principal local law enforcement agencies adjacent to the campus properties are linked together by a computer system for reporting crime. Each agency has direct access for sharing of information, statistical data collection and cooperative planning. The system is located in the University of New Hampshire Police Department and the local departments have direct access to the system.

The University of New Hampshire, through the Police Department, maintains uniform crime reporting data and reports all crimes within the criteria established by the Uniform Crime Reporting System (NIBRS) and the Federal Bureau of Investigation. The University informs the campus community of violent criminal activity that may be threatening or potentially dangerous to the community and its members. Specific procedures are in place to establish such a response.

### ***Campus Crime, Educational Opportunities—Where to Go for Assistance***

A statistical report for the past three calendar years can be found at <https://www.unh.edu/upd/departments-statistics>. The table shows that the most common problem over this time period at UNH has been domestic violence and stalking. Offenses involving the abuse of alcohol represent a second general category. The statistics for sexual assault indicate that rape is a problem on college campuses, and we believe that education is the most powerful weapon to combat this issue.

Education includes a variety of approaches including safety awareness and crime prevention. We want to do all we can to reduce the likelihood of this crime taking place on campus and to encourage individuals to report incidents when they do occur. Our tradition of sexual assault education and our consistent message of encouragement to report all crimes are having a

positive impact. Students are better educated, more aware, and more willing to come forward.

Sexual assault is a violation of the UNH Code of Conduct, as well as a violation of state law. Students are encouraged to report all cases of sexual assault to the University Police Department (862-1427). Reporting a violation does not require criminal prosecution. In situations where the accused person is a student, the case may be adjudicated through the student judicial process. The judicial process provides due process protections for both the complainant and the accused student. The complainant has the right to the following:

1. The right to a formal hearing to determine responsibility and appropriate sanctions;
2. The right to assistance at the hearing from an advisor;
3. The right to alternative living arrangements or academic scheduling if the accused student lives or attends classes in close proximity; and
4. The right to be notified of the outcome of the hearing and the sanction imposed.

Contact Community Standards (862-3377) for further information.

In addition to the statistical profile presented at the Web address, a list of definitions is included below and provides basic information about each crime category.

### **Definitions**

*Arson*—any willful or malicious burning or attempt to burn with or without intent to defraud, a dwelling, house, public building, motor vehicle, aircraft, or personal property of another, etc. Count one offense for each distinct incident of Arson occurring on your Cleary Act geograph.

*Aggravated Assault (Assault 1st & 2nd)*—The unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

*Simple Assault*—An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

*Burglary*—The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

*Criminal Mischief*—To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control over it.

*Assault, Sexual*—Any sexual act directed against another person, forcible and/or against that person's will; or, where the victim is incapable of giving consent.

*Dating/Domestic Violence*—"Abuse" means the commission or attempted commission of Assault, Criminal Threatening, Sexual Assault, Interference with Custody, Destruction of Property, Unauthorized Entry and/or Harassment by a family or household member or current or former sexual or intimate partner and where such conduct constitutes a credible threat to the victim's safety.

*Murder and Non negligent Manslaughter*—The willful (non negligent) killing of one human being by another.

*Robbery*—The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

*Weapon Law Violations*—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.

*Disorderly Conduct*—Any behavior that tends to disturb the public peace or decorum, scandalize the community, or shock the public sense of morality.

*Liquor Law Violations*—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

*Trespass of Real Property*—To unlawfully enter land, a dwelling, or other real property.

*Drug/Narcotic Violations*—The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

*Larceny/Theft Offenses* The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.

*Motor Vehicle Theft*—The theft of a motor vehicle.

### Campus Sex Crime Prevention Act and Duty to Report

Under the federal Campus Sex Crimes Prevention Act, sex offenders who are otherwise required to register in a state, must notify the state of each institution of higher education at which the offender is employed, enrolled as a student, or carries on a vocation. If a registered sex offender is employed, enrolled, or carries on a vocation at the University of New Hampshire, the State of New Hampshire must promptly notify the University of New Hampshire and Durham Police Departments. Under RSA 651-B:4 (Duty to Report), convicted sex offenders who are working with or without compensation at, or enrolled for classes at the University of New Hampshire, must register with the Durham Police Department. Failure to register is considered a misdemeanor.

Members of the UNH community who wish to obtain information regarding registered sex offenders should come in person to either the University of New Hampshire or Durham Police Departments to review the registry.

The Megan's Law information can be found at the following site: <<http://www4.egov.nh.gov/nsor/>>. This is the Registered Offenders Against Children New Hampshire Web site.

### Campus Crime Report

**In compliance with the Federal Jeanne Clery act, a statistical report on campus crime can be found at [www.unh.edu/upd/clery.pdf](http://www.unh.edu/upd/clery.pdf). A hard copy of the report can also be obtained by contacting the University Police Department, (603) 862-1427.**

### Questions

For more information about safety on the UNH campus, you are encouraged to contact the University Police Department at (603) 862-1427, or the UNH Sexual Harassment and Rape Prevention Program (SHARPP) at (603) 862-3494. A university official will be glad to discuss your questions and concerns.

The University of New Hampshire is committed to establishing and maintaining a safe and violence free community. The University espouses these values in order to have its members learn, thrive, work and live together in a safe environment. The University of New Hampshire does not tolerate incidents of sexual violence, relationship abuse, sexual harassment or stalking. The University will hold UNH community members who violate this policy accountable according to University policies and New Hampshire State laws.

## Statement on sexual misconduct, dating violence, domestic violence and stalking

Creating a safer and more supportive environment that cultivates learning and personal growth is central to the mission of the University of New Hampshire. All forms of sexual misconduct, dating violence, domestic violence, and stalking interfere with this mission objective. Sexual misconduct includes sexual harassment, sexual assault, and unwanted sexual contact. Furthermore, sexual harassment (including sexual assault and unwanted sexual contact) is a form of prohibited discrimination.

As illustrated through the collaborative work among a number of departments and individuals at UNH, our community takes seriously our responsibilities to work with all individuals of the institution who have been impacted by sexual misconduct, dating violence, domestic violence, and stalking. The official UNH policy is located at <https://www.unh.edu/affirmative-action/policies-protocols-practicest>. The policy spells out prohibited behaviors that violate the Student Code of Conduct and New Hampshire State Laws. It provides options and resources for those who are impacted by violations, as well as outlines the rights of complainants and respondents. Respondents are those who are accused of a violation of the UNH Code of Conduct.

**Information about the Campus Sexual Violence Elimination Act (SaVE) can be found at: [www.campusaveact.org](http://www.campusaveact.org)**

**Information specific to UNH regarding the Campus SaVE Act can be found in the UNH Annual Security Report that is updated each October. The URL is:**

<https://www.unh.edu/upd/department-statistics>

**New Hampshire state laws regarding stalking and domestic violence can be found at:**

<http://www.gencourt.state.nh.us/rsa/html/lxii/633/633-3-a.htm>

<http://www.courts.state.nh.us/district/protocols/dv/c2.pdf>

**The New Hampshire state law on Sexual Assault and Related Offenses can be found at:**

<http://www.gencourt.state.nh.us/rsa/html/nhtoc/nhtoc-lxii-632-a.htm>

To talk with someone on a *confidential basis* about issues related to sexual misconduct, dating violence, domestic violence and/or stalking, you make contact any of the following offices.

- Sexual Harassment & Rape Prevention Program, Wolff House, (603) 862-7233
- Psychological and Counseling Services, Smith Hall, (603) 862-2090.
- Health & Wellness, 4 Pettee Brook Lane, (603) 862-9355

NOTE: students may also talk confidentially to an ordained religious leader, such as a minister, priest, or rabbi who is certified and duly recognized by an authorized religious organization.

To initiate a criminal complaint:

- On Campus: UNH Police, 18 Waterworks Road, (603) 862-1427
- Online crime reporting <https://unh.edu/upd/online-crime-reporting>
- In Durham: Durham Police Department, 86 Dover Road, (603) 868-2324
- Outside of Durham: **Contact your local Police Department**

To initiate a Code of Conduct complaint:

Community Standards, 2 Hitchcock Hall, (603) 862-3377

**To initiate a Title IX or Sexual Harassment complaint, contact: Director & Title IX Coordinator**

**603.862.2930 (voice)**

**603.862.1527 (tty)**

**7-1-1 (Relay NH)**

**<https://www.unh.edu/affirmativeaction/incident-report-form-about>**

NOTE: A staff member from the Sexual Harassment and Rape Prevention Program (SHARPP), (603) 862-7233, is available to assist in initiating any form of complaint.

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# Sexual Misconduct at Institutions of Higher Education

## Important Disclosures

### I. Disclosure

- a. Students, faculty and employees who personally experience sexual misconduct, including sexual assault or unwanted sexual contact, have the right to report the incident to law enforcement, the University, or both. Similarly, students, faculty and employees who personally experience an incident of sexual misconduct are not legally required to disclose the incident to either law enforcement or the University. However, when the University becomes aware of such an incident, it may provide law enforcement with details about an incident under some circumstances if such disclosure is necessary to secure campus safety or required by University policy or state or federal law. In addition, Graduate students, faculty and employees have an obligation to report incidents of sexual violence when they receive notice of such incidents as part of their work for the University.
- b. When a student, faculty member or employee requests it, the University will assist them to decide whether or how to report incidents of sexual misconduct by providing a confidential resource advisor.
- c. Students, faculty and employees have the right to obtain a court- or institution-issued protective order against a responding party of a reported incident of sexual misconduct as authorized by law and University policy
- d. Supportive measures are also available to students who have disclosed incidents of sexual misconduct, even if they have not made a formal report of an incident
- e. The University will not publicly disclose the identity of the reporting party and the responding party, except as necessary to carry out a disciplinary process or as permitted under state or federal law.

### 2. Procedures

- a. The University's investigatory and disciplinary proceedings do not serve as a substitute for the criminal justice process.
- b. The University will investigate reports or sexual misconduct, by interviewing participants and witnesses, and, as available, obtaining forensics reports.
- c. The University will prepare a report of its investigation and make it available to the parties to the incident. This process is further described in the Student Code of Conduct.
- d. The University will adjudicate charges of sexual misconduct against students through the Community Standards office. Adjudication will include formal notice, adjudication by trained hearing officers and the right for the parties to have an advisor or support person present. This process is further described in the Student Code of Conduct.
- e. Human Resources will use a similar process to adjudicate charges of sexual misconduct against faculty and staff.
- f. A student found responsible for sexual misconduct faces sanctions that range from probation and educational interventions to eviction from University housing and suspension. An employee found responsible for sexual misconduct faces sanctions that range from warning to dismissal.

## Healthcare and Support Resources

For questions and concerns related to the Title IX process, or for help coordinating services related to academic, housing or other need related to living, working or participating in University programs:

**Title IX Coordinator**  
105 Main Street  
Thompson Hall 305  
Durham, NH 03824  
(603) 862-2930

<https://www.unh.edu/affirmativeaction/incident-report-form-about>

Those who have experienced sexual violence have the option to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services. A medical exam is also an important way for a health provider to properly collect and preserve evidence, which could later be used in a civil or criminal case. In cases where necessary, rape kits are also available at local emergency rooms.

*Medical treatment in the area of the Durham campus includes the following:*

**Wentworth-Douglas Hospital**  
789 Central Avenue, Dover, NH 03820  
(603) 742-5252

*Medical treatment in the area of the Manchester campus includes the following:*

**Elliot Hospital**  
4 Elliot Way, Manchester, NH 03013  
(603) 669-5300

**Catholic Medical Center**  
100 McGregor St, Manchester, NH 03102  
(603) 668-3545

*Medical treatment in the area of the UNH Law Concord Campus includes the following:*

**Concord Hospital**  
250 Pleasant Street  
Concord, NH 03301  
(603) 225-2711

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## Sexual Assault and Domestic Violence resources

New Hampshire Sexual Assault Hotline 1-800-277-5570

New Hampshire Domestic Violence Hotline 1-866-644-3574

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

*Coalition member agencies serving the Durham campus area include:*

### **Sexual Harassment and Rape Prevention Program (SHARPP)**

2 Pettee Brook Lane, Durham, NH 03824  
(603) 862-3494

### **HAVEN**

20 International Drive #300, Portsmouth, NH 03801  
(603) 436-4107

*Coalition member agencies serving the Manchester campus area include:*

### **YWCA Crisis Service**

72 Concord Street, Manchester, NH 03101  
Crisis Line: 603-668-2299  
Manchester Office: 603-625-5785  
[www.ywcanh.org](http://www.ywcanh.org)

*Coalition member agencies serving the UNH Law Concord campus area include:*

### **Crisis Center of Central New Hampshire**

79 State Street, Concord, NH 03301  
(603) 225-7376

Coalition agencies provide the following services:

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

## Financial Assistance Resources

Students who require assistance but have financial hardship or limited financial resources may qualify for a one time grant of up to \$500 through the UNH Student Emergency Financial Assistance Fund. This fund provides UNH undergraduate and graduate students who are unable to meet essential expenses due to a temporary or unexpected hardship with short-term financial assistance. Funds can be applied for through the Dean of Student's Office to meet the following needs:

- Emergency travel expenses
- Prescription and other costs related to medical, dental, or mental health
- Essential utilities
- Essential safety and security needs
- Academic supplies and textbooks
- Winter clothing needs like coats and boots
- Auto repairs
- Parking fee
- Replacing essential belongings due to fire, theft, or natural disaster
- Individually-recommended or required services that are considered critical to a student's success, for example, diagnostic testing for Accessibility Resources.

## On-Campus Resources

Medical services are available on-campus through UNH Health and Wellness Services. UNH Health and Wellness is an integrated health and wellness service provides medical care, wellness education, and health promotion serving all students, faculty and staff.

### **UNH Health and Wellness**

4 Pettee Brook Lane  
Durham, NH 03824  
(603) 862-9355  
[health@unh.edu](mailto:health@unh.edu)

Mental health services are available on-campus through Psychological and Counseling Services (PACS). Emergency counseling services are also available twenty-four hours a day.

### **UNH Psychological and Counseling Services**

Smith Hall, Third Floor  
3 Garrison Avenue  
Durham, NH 03824  
(603) 862-2090  
<http://www.unh.edu/pacs>

### **Resources for Employees:**

Qualifying university employees have access to the Employee Assistance Program (EAP) offered through Kepro, which provides assessment and referral for a wide range of concerns facing employees. To speak with a consultant please call 1-800-424-1749 or visit <https://www.unh.edu/hr/employee-assistance-program> for more information.

# Room and Board Agreement 2021-22

## A. General Provision

The UNH Housing Department values, encourages and supports diversity in the University community. Our mission is to provide residents and University guests with a safe, comfortable, and affordable living environment that promotes learning, social interaction and personal growth; to maintain facilities, advance technology and provide services that are attentive to resident needs and concerns; and to ensure efficient and effective management of operations and resources. All residents in University housing are subject to the provisions of the *Student Rights, Rules and Responsibilities* handbook and the terms of this Agreement. All rules of conduct governing the behavior of University students shall be enforced; violations of rules, policies and regulations as stated in the *Student Rights, Rules and Responsibilities* handbook and this Agreement shall be subject to appropriate University sanctions, including eviction from University housing. Students can be held responsible for any policy violation that occurs in their room. All students are expected to conduct themselves in a manner consistent with the expectations of the University, as stated in the *Student Rights, Rules and Responsibilities* handbook, and this Room and Board Agreement. All references to rules in the body of this Agreement are found in the *Student Rights, Rules and Responsibilities* handbook.

**1. Eligibility.** University housing is available to full-time students and students with less than 12 credits, at the Department of Housing's discretion, based on availability. Full-time undergraduates are defined in accordance with rule (01.112) in the *Student Rights, Rules and Responsibilities* handbook. Full-time graduate students are verified through the Graduate School. Summer school students must be enrolled in one (1) or more credit courses by UNH Continuing Education during the period of housing. In order to live in the on-campus apartments at Woodside or Gables, students must be 19 years of age or at least a sophomore as defined in the *Student Rights, Rules and Responsibilities* handbook (rule 03.112). Undergraduate students not meeting these criteria are permitted to live in The Gables or Woodside only by exception. Babcock Hall is primarily a graduate residence. Undergraduate students who are 21 years of age or older are permitted to live in Babcock Hall only by exception.

**2. Terms of Agreement.** This Agreement is for a period of one academic year (two semesters) or in the case of summer session, for a period equal to the duration of the student's summer courses. Housing accommodations are not available during University vacation periods except for students residing in the apartments, Babcock, and specifically designated residence halls (additional fees apply). University Housing services, including access to the room or apartment, begin on the designated opening day and end within 24 hours after a student's last final exam or cancellation of this Agreement. Graduation, official withdrawal from the University, leave of absence, involvement in University-sponsored study abroad program or internship that make it impossible for Student to commute from the campus, or academic suspension from the University constitutes the only grounds for an approved release from this agreement and are subject to the **Cancellation Charge Schedule (A)** in section C. Non-renewal, non-academic suspension, eviction, exclusion or dismissal or termination of the agreement by Student are not approved and will result in cancellation of charges or no refund of the fall and spring semester rate according to the **Cancellation Charge Schedule (B)** in section C. This Agreement cannot be transferred or reassigned.

**3. Reservation of Space.** To reserve a space, students must submit a housing application and agree to the terms of the cancellation fee as listed in Payment & Release from Agreement schedule in section C by the designated deadline.

Electronic or written signature of the student on the housing application legally binds said student to the terms and conditions of this Agreement. If a student cancels prior to the application due date, **Cancellation Fee Schedule in section C applies**. The University will offer a student the opportunity to reserve a space at its sole discretion. Its use of a priority system, including lottery and wait lists for making such offers, may be changed or limited at its sole discretion.

**4. Housing Assignment.** Assignments are made by the Department of Housing. Use of student preference, seniority, or time priority systems for making such assignments may be changed or limited at the University's sole discretion. Reasonable accommodations for persons with disabilities will be made to the extent possible. Such accommodations may include but are not limited to room type requests, proximity to facilities, service animals emotional support animals and power-driven mobility devices. All requests for such accommodations must be approved by UNH Student Accessibility Services. The University will cooperate to the degree possible with students desiring a change in room or apartment assignment. Babcock and apartment residents may not be reassigned to the undergraduate residence hall system unless granted an exception by the Department of Housing. The University reserves the right to change room assignments for health, safety, repairs, vacancy consolidation, unresolved issues in the compatibility of roommates, coordination with other campus offices, or other reasons at the discretion of UNH Housing/or Residential Life. The University reserves the right to assign more occupants to a room than the established capacity when the demand for housing exceeds the spaces available. In such cases, the housing fee for all occupants involved will be reduced based on the housing rates established by the Board of Trustees. When the room is no longer over-assigned, for any reason whatsoever, and the extra furniture is removed, all occupants involved will be required to pay the increased fee, pro-rated, based on room or apartment capacity. The occupant(s) is (are) responsible for any changes in housing fees. If the extra furniture remains in the room at the request of the remaining residents or if the residents of the room do not ready the extra furniture for pick-up, the room will be considered broken down and the occupants will be required to pay the increased fee, pro-rated, based on room or apartment capacity.

**5. Occupancy.** Occupancy begins when a student first gains entrance into their room via key, combination, or ID card. Only the student officially assigned and checked into a specific room may occupy that room. At its own choosing, the Department of Housing may require a student to move to another room in order to consolidate unassigned spaces. A student may occupy only the type of room for which they are paying.

**6. Move In/Move Out.** Before moving out, a student is required to remove all refuse, remove all personal possessions, return lofted or bunked beds to the lowest height, and leave the room or apartment clean. Charges for additional cleaning required, removal of personal property, bed height adjustment or for any damage or loss of University property, normal wear and tear excepted, will be billed to the student(s).

**a. Keys.** Keys will be issued to the student of record on arrival at the beginning of the occupancy period. Keys may not be transferred, duplicated, or given to other persons. Lost keys should be reported immediately to the Housing office. In each case in which keys are lost, the lock will be changed, new keys issued, and the student billed. Keys said to be temporarily mislaid, keys not returned at the end of the occupancy period, or unauthorized duplicate keys turned in at the end of occupancy will be considered lost keys and charges will be

assessed to the student.

- b. **Combination Locks.** Students assigned to a room with combination locks are prohibited from issuing or in any way communicating the combination to their room to any person or persons. Combinations will be changed as occupants officially move out of rooms. If a combination change becomes necessary as a result of the combination being communicated to others by the student, the student will be billed for the cost of the combination change.

7. **Liability.** The University shall not be liable directly or indirectly for theft, destruction, or loss of money, valuables, or other personal property, belonging to, or in the custody of, the student for any cause whatever, or whether such losses occur in the student rooms, storage areas, public areas, hallways, or in the baggage related to shipment or storage. The University provides no insurance for personal possessions. Students must have their own insurance or be included under their family's insurance policy. The University is not responsible for personal property left behind by students after the date of their withdrawal, transfer, departure, suspension, eviction or dismissal from any accommodation in University housing. Students are particularly encouraged to remove all valuables from their accommodations during periods of absence or during University breaks. In the event of mechanical difficulty (air conditioning, heat, hot water and other equipment) or interruptions of electrical power or water service, the University will make reasonable efforts to restore service; however, there will be no reduction of housing charges because of such failure. In the event of damage by fire, water, steam or other causes which render the room or apartment wholly unfit for occupancy, the University reserves the right to reassign the student to alternative University housing accommodations. If alternate quarters are not available, this Agreement may be terminated and the student shall not be entitled to recompense for damages except for a pro-rated housing fee refund.

8. **Staff.** The University will provide staff in accordance with the University policy of providing students with a living experience that complements the academic mission of the University of New Hampshire.

9. **Communication.** The University of New Hampshire and Department of Housing often communicate with students on official matters in written form and through the use of various technologies. In those instances when the University chooses to communicate with students through technology (including but not limited to email, portal communications, and electronic messaging), it often does so with the use of University-generated UNH Username (IT ID). The University will provide and maintain this UNH Username (IT ID); it will be the responsibility of the student to monitor official communication sent by the University to this UNH Username on the UNH e-mail system, as well as those posted to the UNH Portal (MyUNH/Housing Portal) and accessible with this UNH Username.

10. **Parking.** Student/guest parking will be determined in accordance with the parking and traffic rules and regulations. Only vehicles for persons with disabilities (displaying the appropriate permit) may park in designated parking areas. Any vehicle illegally parked is subject to towing at owner's expense and/or a fine, and disciplinary action.

11. **Storage.** Storage space for surplus or seasonally used property is NOT provided. Students must make their own arrangements for such surplus storage off campus. No article of any nature may be stored in stairwells, attics, housekeeper closets, interior and exterior building passageways, roofs or on the grounds.

12. **Entry/Inspection.** University staff members reserve the right to enter a student's room or apartment at any time, whether or not the student is present to (a) perform maintenance, (b) to conduct fire/safety inspections, (c) during an emergency, or (d) to enforce safety or health policies, regulations and statutes.

- a. Advance notice is not required unless maintenance is expected to be substantially disruptive to students.
- b. The Durham Fire Department and the University reserve the right to determine fire safety standards for decorations and appliances and require students to take action to correct hazards.
- c. The University of New Hampshire reserves the right to access and review individual records related to entering or exiting residential buildings.

13. **Laundry Service.** Laundry machines are provided for students and accept payment only in the form of Cat's Cache. The University shall not be liable for any damage to or loss of personal property resulting from the use of the laundry machines, nor shall the University be liable for personal items left unattended in the laundry rooms.

## B. Use of Dwellings and Grounds

1. **Appliances.** All electrical items in a room must be UL listed or recognized to a UL standard by a nationally recognized testing laboratory. Coffee pots, popcorn poppers, irons, may be used but cannot be plugged in unattended. Refrigerators no larger than 4.5 cubic feet are allowed to a maximum of one per every two assigned room occupants. Microwaves up to 800 watts of power output are acceptable. Prohibited appliances include induction plates, hot plates, rice makers, instapots, heating/immersion coils, electric frying pans, paninimakers mini grills, mini ovens, slow cookers, toasters and toaters ovens (except in University Apartments)

2. **Cleanliness.** Students are responsible for maintaining reasonable sanitation and safety standards in their rooms, suites and apartments (including suite and apartment bathrooms). If upon inspection, University staff finds safety and sanitation below standard, the student will receive a written request prescribing corrective action. If after a reasonable time the corrective action has not occurred, the University will perform the needed work at the student's expense. and revoke the student's housing privilege.

3. **Furnishings.** Each bedroom will be furnished with a bed, desk, desk chair, dresser and closet space for each resident. Closet space may be shared. Bed rails are standard equipment in rooms where beds can be elevated and must be used any time the bed is raised above its lowest position. University supplied furniture may not be moved from the originally assigned room to any other on or off-campus location and may not be stored in any suite or apartment bathroom. Students are prohibited from taking furniture from common spaces in the residence hall or apartment building and placing it in a student room, apartment or any other on or off-campus location. Such action shall be considered theft.

4. **Maintenance.** Routine maintenance needs should be reported in a timely manner to the online Housing maintenance portal. The University reserves the right to perform any and all needed maintenance. If maintenance is needed, it is the responsibility of the resident to notify the maintenance and/or Housing staff, at the onset of each instance, about any personal, medical, or health concern which may be impacted by the work.

5. **Trash Removal.** Students are solely responsible for bagging trash which accumulates in their room or apartment and disposing of such trash by depositing it in the designated outdoor dumpster, trash compactor, and/or recycling container. Personal room or apartment trash may not be placed in common area trash receptacles and bathroom receptacles.

6. **Bicycles.** Bicycles are to be parked and secured only in places provided for that purpose. Bicycles may not be attached to stair railings (exterior/interior), building entrances, light poles, trees, sign posts, etc. A student is required to remove their bicycle(s) prior to their designated move-out date. Bicycles left oafter move-out will be considered abandoned and will be removed.

7. **General.** The University reserves the right to inspect students' rooms or apartments to ensure compliance with section F-9, Fire Prevention/Drills/Alarms/Equipment. The University also reserves the right to recommend to the appropriate disciplinary body the termination of any Agreement and will control the rooms or apartments in case of an epidemic or pandemic..

**C. Payment & Release from Agreement**

The University will establish housing fees yearly and will announce these proposed fees for each academic year at the time of housing sign-up. Fees are considered proposed until approval is granted by the University Board of Trustees. Upon nonpayment of fees or any charges herein provided, the University may refuse to register the student for the next semester, issue grade reports of work done, or allow the student to be graduated. Semester payment is due when indicated on the bill or prior to occupancy, whichever is earlier. Graduation, official withdrawal from the University, leave of absence, involvement in University-sponsored study abroad program, or internship, that make it impossible for Student to commute from the campus, or academic suspension from the University constitutes the only grounds for an approved release from this agreement and are subject to the **Cancellation Charge Schedule (A)** below. Non-renewal, non-academic suspension, eviction, exclusion, dismissal or termination of the agreement by Student are not approved and will result in cancellation of charges or no refund of the fall and spring semester rate according to the **Cancellation Charge Schedule (B)** in section C.

1. **Deposit.** The housing deposit will be applied against the semester housing fee.

2. **Requests for release must be submitted via the online *Housing Cancellation Request form*** with documented proof of the circumstances related to the release request. If these circumstances change after the student is released from the Room and Board Agreement, the release will become invalid and the student will again be obligated to the terms of the Room and Board Agreement. All approved releases are subject to the **Cancellation Charge Schedule** below.

3. **Cancellation Charge Schedule.**

**Cancellation Charge Schedule (A). Approved agreement cancellations are subject to the following charges.**

Academic Year Student Request Cancellation:	If Approved, Student Financial Responsibility
By August 1st prior to fall semester	No Fee
By August 15th	\$500
By first week of fall classes	25% of fall semester housing fee
By 30 Days into fall semester	50% of fall semester Housing fee
After 30 days into fall semester	100% of fall semester housing fee
Semester II Only Student Request Cancellation:	If Approved, Student Financial Responsibility
By January 1st	NO FEE
By first week of spring classes	25% of spring semester housing fee
By 30 days into spring semester	50% of spring semester housing fee
After 30 days into spring semester	100% of spring semester housing fee

**Cancellation Charge Schedule (B). Not approved agreement cancellations are subject to the following charges.**

Academic Year Student Request Cancellation	Student Financial Responsibility:
By June 1st prior to fall semester	\$500
After June 1st prior to fall Semester	100% of fall semester housing fee

Semester II Only Student Request Cancellation (not a fall Semester Resident):	Student Financial Responsibility:
By December 1st prior to spring semester	\$500
After December 1st prior to spring semester	100% of spring semester housing fee

- a. Subsequent to occupancy, no release from this Agreement or refund can be considered unless the assigned room or apartment is left clean and all sign-out procedures including return of keys and settlement of obligations are completed. In such cases when release is granted, the effective date of release will be determined by the date of such completion.
  - b. If the Agreement is canceled, any amount due a student will first be applied to said student's current University charge.
  - c. Residents evicted or suspended for reasons of conduct will be financially responsible for that semester's housing fee,.
  - d. Students who check in or move into a hall or apartment and subsequently move out without consent of the Department of Housing, and do not withdraw from the University, are charged the full housing fee.
  - e. Residents who are evicted at the end of Semester I due to willful non-completion/non-compliance of alternative sanctions will be financially responsible for Semester II housing fee,.
  - f. Residents evicted or suspended for reasons of conduct after the published Semester II move-in date will be financially responsible for that semester's rent.
4. **Spring Semester Cancellation.** Semester I students who have NOT been granted early Cancellation of the Room and Board Agreement for Semester II will be charged the full Semester II housing fee.
5. **Summer Term Release Charge Schedule.**

Written notification of petition for release	If released, student financial responsibility
Prior to start of agreement (Summer contract dates vary)	\$0
Within the first 7 days of residence	50% of the Agreement amount
After the first 7 days of residence	100% of the Agreement

Failure to occupy the assigned room is subject to 50% of the agreement amount.

**D. Resident Meal Plans**

All students who reside in University housing (except Babcock Hall, The Gables and Woodside apartments) are required to purchase a meal plan from the designated mandatory choices. There are no exceptions to this requirement. The Core, Campus and Campus Premier meal plans satisfy the requirement. See [www.unh.edu/dining](http://www.unh.edu/dining) for the latest information about meal plans and services.

- 1. Residents must designate the meal plan of their choice:
  - a. prior to July 1 for Semester I
  - b. prior to the second Friday in November for Semester II
- 2. Failure to specify a meal plan choice will be an indication of acceptance of the minimum mandatory meal plan for residents, currently the Core Plan.
  - a. The last day for making downgrades to your meal plan is the 2nd Friday of each semester.
- 3. Resident meal plans are valid through the last day of meal service in the semester of purchase.



4. Access to the dining halls can be obtained through one of the following six methods:

- a. Biometric Recognition System
- b. Dining Dollars (encoded on your UNH photo ID card)
- c. Cat's Cache (encoded on your UNH photo ID card)
- d. Cash
- e. Master Card, Visa, or Discover.
- f. Apple Pay

**5. Refund schedule.** In the event of official withdrawal from the University, suspension or mutual consent of the parties to terminate this Agreement, the effective date for calculating a refund on a paid dining plan will be the date of official withdrawal or the date of last meal eaten, whichever is later.

- a. Academic Year Refunds are made as follows:
  - i. Before Registration Day, 100% refund.
  - ii. A meal plan that has not been used through the second Friday of either Semester, 100% refund.
  - iii. A meal plan that has been used at any time will be charged at the weekly rate for that meal plan for each week up to cancellation. Partial weeks will be rounded up. The weekly rate equals meal plan cost (not including Dining Dollars) divided by number of weeks in the semester.
  - iv. Unused Dining Dollars will be refunded.
- b. Summer Session refunds will be only in the case of official withdrawal.

## E. Dining Hall Information and Policies

1. Dining hall meal service begins on the official opening day and ends on the last day of final examinations.
2. Food served in the dining halls is available on an "all you care to eat" basis. Food can be taken out of the dining halls only through the "Green Box" take-out program. Violation of the policy can result in a \$25 fine and/or loss of dining privileges.
3. Students are expected to conduct themselves in the dining halls in a manner conducive to quiet enjoyment of meal times by all. Cooperation with stated procedures such as the self-bussing of dishware is expected. Misuse of food is grounds for disciplinary action.
4. Removal of dining property is prohibited.
5. Animals or pets of any kind are not permitted in the food service or dining areas. The exception is service dogs that are individually trained to do work or perform tasks for people with disabilities. Emotional Support Animals (ESA) do not qualify as service animals.

### 6. Lost Cards

- a. A charge of \$25 is made to replace a lost, stolen or damaged photo ID card and \$10 to replace a lost, stolen, or damaged non-photo dining card.
  - b. Lost or stolen meal cards must be reported immediately to the Dining ID Office (603) 862-1821 or suspended instantly through <https://eaect-catscache-sp.transactcampus.com/eAccounts/CardServiceCardDeactivate.aspx>. Only the balance of accounts on the card at the time the card is suspended can be protected. No temporary cards will be issued. Until your ID card is replaced, you will not have access to your meal plan, Dining Dollars, guest passes or Cat's Cache
  - c. Your University ID card is strictly nontransferable. The owner of ID card is responsible for its security and proper use and subject to a \$25 fine for its unauthorized use.
7. Guests may be brought into the dining hall by using a guest pass, Dining Dollars, Cat's Cache, cash, Master Card, Visa, or Discover or Apple Pay.
  8. Meal plans are subject to change from year to year. Sufficient notice will be given to enable students to plan for future purchases. Please check [www.unh.edu/dining/plans/](http://www.unh.edu/dining/plans/) for updates.

[www.unh.edu/dining/plans/](http://www.unh.edu/dining/plans/) for updates.

### 9. Dining Dollars

- a. Anyone may purchase Dining Dollars in any amount. Campus and Premier plan holders may purchase additional Dining Dollars if needed.
- b. Dining Dollars are accepted at Albert's, Cornerstone 1926, Dunkin' Donuts, Holloway Commons, Philbrook Café, Philbrook Hall, Stillings Hall, UNH Dairy Bar, Union Court, Wildcatessen, Zeke's and campus vending machines.
- c. Dining Dollars are valid during the academic year of purchase only. A remaining balance from fall semester will carry over to spring semester but will expire at the end of meal service in May. Unused Dining Dollars are non-refundable

**10. Students with specific nutrition concerns or medically restricted diets** should meet with the registered dietitian and executive chef to review options for dining hall accommodations. It is the responsibility of the student with food allergies or other specified nutrition concerns to make the final judgment on whether or not to question the ingredients of a food item or to choose to eat the foods selected.

11. Unless there backpacks, sling packs, large purses, grocery bags, water bottles and non-sanctioned food or beverage containers are not permitted in the Dining Halls. COVID-19 public health protocols will allow backpacks and personal items in the dining hall. Items must be kept on/with the guest at all times.

## F. University Housing Community Standards

In addition to abiding by applicable federal, state and local laws, and the University conduct rules outlined in the *Student Rights, Rules and Responsibilities*, the student is expected to understand, support and live by community standards, rules and regulations established for all residences. Violations of any of the above, which could result in eviction, suspension or expulsion from the University, will be forwarded to the Office of Community Standards. Residents evicted, suspended or expelled for reasons of conduct will be financially responsible for that semester's rent.

**I. Alcohol.** All students are subject to the University Rights and Rules governing the use of alcohol, as well as federal, state, and local laws of alcohol use including the Open Container Ordinance of Durham, NH. Entryways, hallways, and lounges are common areas, and consumption of alcohol is prohibited in these areas (including by those of legal drinking age). Group sources such as kegs of beer, beer balls, and alcoholic punches are prohibited in University housing. Under certain circumstances the presence of empty alcohol containers may be evidence of a violation of the rules regarding possession or use of alcohol.

- a. Only students of legal drinking age (21 years or older) may consume alcohol in their own room or in the room of another student who is at least 21 years old.
- b. A legal age drinker may have just one open alcohol container at a time for personal consumption.
- c. Alcohol is not permitted in any of the common or public areas of the residence halls or apartment buildings.
- d. Possession or consumption of alcohol is permitted only in rooms where at least one of the assigned and present residents is at least 21 years old.
- e. All common sources of alcohol, including but not limited to kegs, punch bowls, beer balls, or excessive amounts of alcohol in bottles or cases, are strictly prohibited.
- f. Providing underage people with alcohol is illegal and strictly prohibited.
- g. Any person who is under the influence of alcohol and whose behavior

leads to personal injury or illness may be considered in violation of the alcohol policy.

- h. Having a gathering in a residence room, suite or apartment that involves illegal consumption of alcohol will likely lead to eviction upon a first offense. A gathering is defined as more people in the room/suite/apartment than just the people who are assigned to that room/suite/apartment.

**2. Alteration to Premises.** No changes may be made in the building or its fixtures by students individually or in groups without the expressed permission of the Department of Housing. The student or any person acting without said permission shall refrain from:

- a. Removing any item of University equipment/furniture from the room or premises.
- b. Altering or replacing the present locks or other security devices or installing additional locks or security devices.
- c. Making any structural or electrical alterations to the room.
- d. Using nails, screws, bolts, or decals upon the furniture, walls, doors, woodwork, ceiling, or floors of the room or apartment or otherwise defacing, painting or marring such surfaces.
- e. Making unauthorized repairs to, or painting, the room or apartment.
- f. Removing screens.
- g. Building partitions or making alterations to furniture.
- h. Taking furniture or other items from common spaces and placing them in a student room or apartment.

**3. Civility.** The University offers many times, places, and ways to engage in expressive conduct, and it expressly seeks to create a diverse learning culture where students feel encouraged to express themselves on a wide variety of issues. Students attending UNH are not required to live on campus. All persons living in University housing are entitled to sleep, study and quietly enjoy their living space without unreasonable disruption. The University's goal is to create a residential environment where all residents can expect to be treated in a civil and respectful way by each other. Therefore, in accordance with the SRRR and applicable law, residents or guests shall not harass, intimidate, or threaten a guest or fellow resident through speech, conduct or writing. Isolated or repeated threats, harassment, intimidation or abuse sufficiently severe or pervasive to alter the conditions of another resident's sleep, study or repose may result in conduct charges or eviction. Isolated incidental breaches of civility shall normally be treated as opportunities to counsel an offending student, with or without a formal warning.

**4. Common Area Use.** The University strives to create an atmosphere of respectful, diverse opinion and expression. Although our community aspires to extend this atmosphere into student residential facilities, it is important to note that residences are unlike other campus facilities, and that some kinds of expressive conduct are subject to reasonable time, place and manner restrictions. Students are expected to use good judgment when engaging in expressive conduct or displaying material in the common areas of the residence hall. These include any areas outside of a student room, including lounges, hallways, common bathrooms, public kitchens and hallway doors where community members must pass every day and therefore cannot avoid. Students and guests are prohibited from displaying material in common areas that disrupt or would likely disrupt the educational mission of the University, including, but not limited to, materials that are pornographic, obscene or create a hostile environment sufficiently severe or pervasive to alter the conditions of other residents' ability to sleep, study or repose. Students and guests are also prohibited from displaying materials that are harassing or threatening to others. Please refer to the UNH Discrimination and Discriminatory Harassment policy for more information. The display of materials in the common areas shall be defined to include, but not be limited to, photographs, posters, written materials, videos, and live performances. Videos shown in the common areas shall comply with all rules of civility and with all applicable copyright laws. Isolated or incidental breaches of the rules gov-

erning the use of common areas shall normally be treated as opportunities to counsel an offending student, with or without a formal warning. Use of common areas to make repeated or knowing threats, harassment, intimidation or abuse sufficiently severe or pervasive to alter the conditions of another student's sleep, study or repose may result in conduct charges or eviction.

**5. Cooking.** Cooking is prohibited in student rooms in the residence halls and allowed only in designated kitchen units or facilities.

**6. Condition of Common Areas.** Students are responsible for keeping all common and public areas of University housing free of personal trash and belongings. These areas include, but are not limited to hallways, bathrooms, public kitchens, stairwells, lounges, utility closets, and adjacent grounds. Students are expected to participate in the UNH single-stream recycling program by utilizing provided recycling totes, bins and outdoor receptacles.

**7. Damage.** Damage, theft, and vandalism to University property are strictly prohibited. Violators will be subject to disciplinary action. Students are financially responsible for the cost of replacement or repairs of any breakage or damage (except for normal wear and tear) to their accommodations and its furnishings. When the Housing Director or the Director of Residential Life find, by a preponderance of evidence, that a student had material information regarding the responsibility of one or more other persons for damage done to University property and failed to share that information with police or staff, the Director may assess the student for a proportionate share of the damage.

**8. Drugs and Paraphernalia.** Students may not possess, use, be under the influence of, or sell illegal drugs. Sharing or otherwise distributing illegal drugs or controlled substances in or around the residence halls/apartment communities will be subject to eviction from the residence halls/apartment communities and possible suspension or expulsion from the University. All paraphernalia which can be used with illegal drugs including, but not limited to, bongs, pipes, rolling papers, etc. are prohibited.

**9. Fire Prevention/Drills/Alarms/Equipment.** Students are expected to notify the Fire Department of any fire and safety hazards and to report a fire promptly. All students are expected to observe all fire safety procedures established for their building including participation in fire alarm/evacuation drills. Students must leave buildings when a fire alarm is activated or be subject to disciplinary action. Fire extinguishers and alarm systems shall not be tampered with or tested by unauthorized persons nor should anything cover, be attached to, or hung from detector devices, conduit, or sprinkler heads. Students are expected to help prevent false alarms and should report any tampering with fire safety equipment to the appropriate staff person. Students are financially responsible for charges assessed as a result of tampering with fire safety equipment.

**10. Removal of Furniture.** All student rooms and apartments are provided with furniture. Students may not remove or store furnishings provided by the University and may not replace them with other items owned or rented by the student. The Department of Housing will not remove or store the standard University furnishings. Public area or lounge furnishings shall not be moved into a student's room. Students will be held accountable through the Office of Community Standards if they take furniture from the lounges and place it in their room for any length of time.

**11. Guest Visitation Policies.** The student is responsible for the behavior of their guests, for damages caused by their guests, and for informing guests of hall policies. All guests will be escorted by their host at all times while visiting in the building. Students within University housing are collectively responsible for their own conduct as well as the conduct of their guests. Overnight guests are not permitted in University housing without advance permission of all students of the room/apartment in which they are staying. Overnight guests may not stay longer than two nights in any given week. No more than ten people may be in a residence hall room or between 13 and 24 people in an apartment/suite, depending upon apartment/suite, at one time,

per order of the Durham Fire Department.

**12. Hall Sports.** Behavior that may result in personal injury or damage to property is prohibited. This includes, but is not limited to hall sports, water fights, some forms of practical jokes, roughhousing, dropping items out of windows, improper behavior on balconies, tampering with or other misuse of elevators or fire extinguishers, and failure to observe fire safety rules and procedures. All athletic activities are to be confined to areas outside University housing which are specifically designated for such purposes.

**13. Lewd and Indecent Behavior.** Conduct and behavior which is considered lewd or indecent, including but not limited to, public or unwanted nudity, urination and defecation in areas other than toilets or urinals, sexual activity in public areas, uninvited or unwelcome voice or written messages to others which are considered lewd or indecent by the receiver.

**14. Lofts.** Built-in (wall or ceiling attachment) structures are prohibited. Free-standing loft structures are permitted; however the University of New Hampshire and the Department of Housing assume no responsibility for residents building their own bed units. The top of a loft mattress must be at least 30" from the ceiling. The Department of Housing and/or the Durham Fire Department reserve the right to determine the danger of lofts and require their removal.

**15. Noise.** Each student shall respect and observe the rights of other students occupying University housing. Noise that is disruptive to others, including hall and apartment staff, is prohibited. Courtesy hours are always in effect and residents are to respect requests of others for quiet. Night time hours are "quiet hours", when residents are to be especially aware of the volume and impact of their noise. Residence hall quiet hours are Sunday-Thursday 10 p.m.-7 a.m. and 12 a.m.-8 a.m. on Friday and Saturday. Apartment quiet hours are Sunday-Thursday 11 p.m.-7 a.m. and 1 a.m.-8 a.m. on Friday and Saturday. Hall councils may choose to extend quiet hours but may not shorten them. Quiet Hours may also be extended during finals and break periods at the discretion of Housing and Residential Life. At no time should amplified sound or yelling be directed out or at resident's windows. Residents are to maintain reasonable quiet in courtyard areas at all times. The placement of stereo speakers in such a manner that sound carries out from the apartment or room is strictly prohibited. Compliance with the Durham noise ordinance is required. All established quiet hours must be observed.

**16. Pets/Animals.** Pets or animals of any kind, except non-dangerous fish, are prohibited in University housing. One ten-gallon tank containing fish is allowed per room. While not considered "pets," approved service animals and Emotional Support Animals (ESAs) are the only exceptions considered as reasonable accommodations to this policy. UNH Student Accessibility Services office works in cooperation with the Departments of Housing and Residential Life to determine whether an accommodation is necessary and reasonable. The individual making the request for accommodation should complete and provide the Request Form to Student Accessibility Services as soon as practicably possible before moving into University housing. If the request for accommodation is made fewer than 60 days before the individual intends to move into University housing, or is made after move-in, UNH cannot guarantee that an approved accommodation can be implemented during the student's first semester or term of occupancy. Housing reserves the right to disclose to others impacted by the presence of a service animal or ESA (including potential and/or actual roommate(s)/neighbor(s)/UNH staff) that the animal has been approved as an accommodation. Student must keep approved animal in control when not in room by cage or leash. Pet waste must be removed from grounds and properly disposed of.

**17. Posting/Solicitation.** Door-to-door solicitation is strictly prohibited. Commercial activity, solicitation or advertising is not permitted in or around University housing unless prior approval by the University Police Department has been obtained. The only exceptions are activities permitted under

University Rules and/or those sponsored by University staff or local resident governing councils. All information posted in common areas and on bulletin boards must be approved by the Department of Housing or Residential Life staff. Items posted on room doors or other areas are subject to removal if they constitute a fire hazard or violate the provisions of paragraph 4 regarding common area use. No commercial soliciting or canvassing is allowed.

**18. Prohibited Items.** Except where specifically permitted, the following items are prohibited in University housing, including, but not limited to:

- a. Halogen lamps, electric heaters, electric blankets, lava lamps and other decorative objects which heat up, live holiday decorations (i.e., Christmas trees), non-UL listed items and electrical items not approved by the Department of Housing.
- b. Air conditioners, clothes washers and dryers, dishwashers, and water beds.
- c. Television or radio antennae and any other objects which are placed outside the room window or anywhere on the exterior of the building or adjacent grounds. The International Connection residence hall, with the prior approval of the Director of Residential Life, will be permitted to fly their international flags on Opening Weekend and for specific campus wide events sponsored by the International Connection residence hall.
- d. Firearms, candles, wax tarts, incense, explosives, fireworks, weapons of any kind, hazardous chemicals, gasoline, charcoal lighter fluid, propane, butane, motorized vehicles of any kind, including hoverboards (or parts, repair tools, accessories for any motor vehicle)
- e. See section B1 (Appliances) of this agreement for additional prohibited appliances..

**19. Security.** Part of the obligation of community living is to help safeguard the living environment. Students are reminded that they share in the responsibility for the security of their rooms and the buildings in which they live. Students are strongly encouraged to keep their rooms/apartments locked at all times and also to report individuals who appear to be tampering with locks, damaging facilities, harassing students, or behaving suspiciously. Students are advised to be particularly security-minded at times of check-in, holiday breaks, check-out, or when fewer residents are in the residential facilities. The following behaviors can compromise the security of other students, and are prohibited. Students found responsible for any of the following behaviors will be subject to disciplinary action, including fines to cover the costs of door repair or replacement.

- a. Giving personal keys or ID card to another person
- b. Leaving keys or ID card in a public space
- c. Propping open any door to the outside
- d. Attempting to force open any secured door
- e. Interfering with the locking mechanism of any door
- f. Allowing individuals who seek entry to "piggyback"(enter the building without using their own entry card).
- g. Removing a window screen
- h. Damaging any door, lock, or window
- i. Climbing through windows, being on ledges, porticos or roofs
- j. Throwing objects out windows or from roofs of buildings
- k. Entering another student or staff members living space without permission

**20. Smoking.** Smoking is strictly prohibited inside any University residence facility. Smoking within 20 feet of any University building is strictly prohibited. This ban includes all forms of smoking including electronic cigarettes, cigars, vaporizers, cigarettes, marijuana, hookahs, etc.

**21. Theft.** Attempted or actual theft of and/or damage to property of the

University or property of a member of the residential community is prohibited. This includes removing property from residence hall or apartment common spaces or from rooms of other students.

**22. Weapons.** The University of New Hampshire is a weapon-free campus. This applies to all residence halls and apartments. Weapons include but are not limited to, firearms, simulated firearms, dangerous chemicals, any explosive device, nunchucks, brass knuckles, butterfly knives, paintball guns/equipment, and any other materials that can be used to intimidate, threaten or endanger others, are prohibited on campus; including weaponry intended to be decorative or collectible. Any knife, including a butter knife, used as a weapon shall be considered a violation of this policy.

**23. Failure to Comply.** Refusing to cooperate with University staff or University police who are attempting to investigate or address a situation in a University residence hall or apartment is prohibited. The student is required to provide proper identification and truthfully answer legitimate inquiries.

**24. Eviction.** A housing eviction requires a resident to move out of the residence hall/apartment system within 48 hours after the University judicial conduct process is completed. Residents evicted or suspended for reasons of conduct are financially responsible for that semester's rent. **It is important to understand that eviction can occur for a first offense.** Incidents that may result in eviction from the residence hall/apartment system include, but are not limited to:

- a. Possession, use or distribution of illegal drugs or potential drug paraphernalia
- b. Hosting a gathering in student rooms, suites or apartments that involves illegal alcohol possession or use
- c. Acts of violence, including physical assault, sexual misconduct, and destruction or vandalism of property
- d. Responsibility for a false fire alarm or bomb threat
- e. Possession of a weapon or simulated weapon
- f. Theft of personal or university property
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