



September 2018

To: UNH Faculty, Staff, and Graduate Students  
From: Donna Marie Sorrentino, Director and Title IX Coordinator  
Re: Reporting of Sexual Harassment (including sexual violence) Incidents

New Hampshire law holds the University responsible if University employees fail to report suspected cases of sexual harassment (including sexual violence) of students by University employees to appropriate individuals or offices. At UNH the appropriate offices are the Affirmative Action and Equity Office (AA&EO) and/or UNH Police (UNHPD) for incidents of sexual violence. This law was established by the 1999 *Schneider v. Plymouth State College* case before the New Hampshire Supreme Court, where a student successfully sued the institution after being subjected to sexual harassment by a professor. Any employee (or supervisor who receives a report from another employee) receiving such information should promptly report it to the Affirmative Action and Equity Office, and for sexual violence, to UNH Police. The Affirmative Action and Equity Office works collaboratively with Deans, Department Chairs, Directors, Human Resources Partners, UNH Police, Community Standards, Faculty and Staff to address these issues.

State and federal law and University policy require the University to take all reasonable steps to prevent sexual harassment of students and employees, to eliminate the hostile environment caused by sexual harassment, and to discipline any individual found to be responsible for such harassment. The University's Discrimination and Discriminatory Harassment Policy and Complaint Procedures are enforced by the Affirmative Action and Equity Office and can be found on its web site: [www.unh.edu/affirmativeaction/resources](http://www.unh.edu/affirmativeaction/resources). Except for the cases listed below, all University employees are required to promptly report information they receive about sexual harassment of a student by any UNH employee.

Exceptions: In the *Schneider* opinion, the New Hampshire Supreme Court was silent about the special nature of services provided by three Student Life offices: Psychological and Counseling Services (PACS), Health & Wellness (HW) and SHARPP (Sexual Harassment & Rape Prevention Program). These offices are staffed by University employees, including psychologists, physicians, nursing staff, sexual assault counselors, and others who work in collaboration with these professionals. The staffs in these services have professional obligations and legal protections regarding privileged communications with their clients/patients. The University recognizes and respects the critical importance of confidentiality between such professionals and their clients/patients, and thus, the staffs of these offices are generally not required to report information about sexual harassment (including sexual violence). Instead, the staffs of these offices strongly encourage students to report incidents of sexual harassment (including sexual violence) by employees to their supervisor, department chair and the Affirmative Action and Equity Office.

As there is no exception to the reporting obligation for other UNH employees, all faculty and staff should be aware of the availability of these services and their impact as they work with and advise students. For more information about these resources and others click on [UNH Harassment, Discrimination and Bias Violence Resources](#). No faculty or staff members outside of SHARPP, Counseling Center, and Health Services should make promises of confidentiality to any person reporting these types of incidents. Faculty or staff referring victims and/or witnesses to SHARPP, Psychological and Counseling Services or Health & Wellness should NOT expect that such referral satisfies their obligation to report to the Affirmative and Equity Office and UNH Police.

Our goal is to provide students, faculty and staff with a safe and positive learning, living and working environments where all individuals can achieve their educational and employment goals without harassment and discrimination. The Affirmative Action and Equity Office and the UNH Police work closely with victims to address their concerns (including requests for confidentiality), while also considering the interests and safety of the entire University community. If there are any questions about this reporting requirement, what constitutes sexual harassment, questions about confidentiality or any other concerns, faculty and staff should contact the Director and Title IX Coordinator at 862-2930 Voice or 862-1527 TTY or [dms@unh.edu](mailto:dms@unh.edu) for information and assistance.