

# Administrative Policies and Regulations

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## **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, 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 the Director of Affirmative Action and Equity, (603) 862-2930 V/TTY; or to the Regional Director, Office for Civil Rights (OCR), U.S. Department of Education, J.W. McCormack Post Office and Court House, Room 707, Boston, MA 02110-4557, Telephone: (617) 223-9662 Voice, (617) 223-9669 Fax, (617) 223-9695 TDD; or to the Executive Director, State of New Hampshire Commission for Human Rights (NHCHR), 2 Chenell Drive, Concord, NH 03301-8501, Telephone: (603) 271-2050, Fax, (603) 271-6339

The time limitations for filing a complaint are: with UNH, one year; OCR, and NHCHR 180 days within the date of the occurrence of the alleged act of discrimination or harassment. The Director of Affirmative Action and Equity is the Title IX Coordinator for UNH.

### **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 unjustly, substantially, unreasonably and/or consistently interferes with an individual's work or academic performance or creates an intimidating environment.

Verbal or physical conduct directed at the complainant's race, color, religion, age, sex, or 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 does 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.

Unjust, substantial, unreasonable, and/or consistent 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.

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: repeatedly 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 e-mail messages; taunting a person about his or her sexual orientation, disability, or religion; making unwelcome sexual propositions; repeatedly 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.

A person who believes that he or she has been harassed 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 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 the Office of Conduct and Mediation 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 the Office of Conduct and Mediation will advise students wishing to make a harassment complaint against another student.
- The University of New Hampshire at Manchester 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 Office of Multi-cultural Student Affairs will advise any student wishing to make a harassment complaint against any member of the UNH community.
- The Vice Provost for Diversity, President's Commissions (on the Status of Women, on the Status of People of Color and on the Gay, Lesbian, Bisexual, and Transgender Issues), 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. For a copy of the Discrimination and Discriminatory Harassment Policy booklet, contact the Affirmative Action and Equity Office at 862-2930 V/TTY.

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://www.unh.edu/affirmativeaction/dhpolicy.htm>.

### 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 of the Affirmative Action and Equity Office at 862-2930 V/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 862-1058."

### 11 Financial Policies

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

#### 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 a person's father and mother provided both are living. In the case of legally separated or divorced parents, "parent" means either a parent with legal custody or a parent providing more than one-half of a student's total financial support; or if there is a guardian or legal custodian, "parent" means guardian or legal custodian provided 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 such unemancipated person.

"Domicile" means a person's true, fixed and permanent home and place of habitation, to the exclusion of all others. It is the place where the person intends to remain and to which s/he expects to return when s/he leaves without intending to establish a new domicile elsewhere.

**Determination of Student Status.** A student shall be classified as in-state or out-of-state for tuition purposes at the time of his/her 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 the student's application and other relevant information available to the dean or director.