

# **Title VI Notice:**

## **UNH's Affirmative Action and Equity**

### Discrimination and Discriminatory Harassment Policy, Interpretation, and Implementation Procedures

UNH Website: <http://usnholpm.unh.edu/UNH/V.Pers/B.htm>

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 and University System of New Hampshire and University of New Hampshire policies applicable to discrimination and harassment.<sup>1</sup> In accordance with those laws and policies, all members of the UNH community will be responsible for maintaining a university environment that is free of discrimination and harassment based on race, color, religion, sex, age, national origin, sexual orientation, gender identity or expression, disability, veteran status, or marital status.<sup>2</sup> Therefore, no member of UNH may engage in discriminatory or 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.

**Responsibilities.** The Director of the Affirmative Action and Equity Office is responsible for the monitoring of the policy, and has oversight of all processes that are covered by the policy (including the Judicial Process for student misconduct). The Director is the Title IX Coordinator, and has special responsibility for actions regarding sex discrimination and sexual harassment in an institution of higher learning. In addition, there are state legal requirements that any instance of sexual harassment of a student by an employee (faculty, administrator or staff) that comes to the attention of another employee must be reported; at UNH, reporting will be to the Director of the Affirmative Action and Equity Office. The ADA Compliance Officer, whose position is located in the Affirmative Action and Equity Office, is directly responsible for disability compliance, and monitors all such complaints and issues.

**Community Resources.** Members of the UNH community who believe they are being subjected to discriminatory practices or discriminatory harassment may want to seek advice and support from certain on-campus resources. These individuals/departments can provide complainants with information on the many options available. They may provide information and support whether or not a complainant chooses to seek formal or informal resolution. Any University community member, whether student, faculty, or staff, may always contact the Director of the Affirmative Action and Equity Office with a discrimination or harassment complaint, including sexual harassment. The Sexual Harassment and Rape Prevention Program (SHARPP) offers assistance and confidential support 24 hours a day. Complainants are encouraged to seek support where they feel most comfortable. Other resources include:

- Academic Department Chair, or any College/School Dean or Associate Dean
- Access Office (support services for students with disabilities)
- Counseling Center
- Directors of Academic Counseling
- International Students and Scholars Office
- Judicial Programs Office

- Office of Multicultural Student Affairs
- Human Resources
- President's Commissions on the Status of Women, Status of People of Color, and Status of GLBT Issues
- University Police

External Resources. At any time during the process, a complainant may also choose to consult with one or more of these external agencies: Equal Employment Opportunity Commission, the Office for Civil Rights, or the New Hampshire Commission for Human Rights. Since they have differing time limits for filing, which are in some cases dependent on filing with another agency, complainants are urged to obtain that information early in the process.

Step One. Complainant should meet directly with the Director of the Affirmative Action and Equity Office, the ADA Compliance Officer, or with any resource person or department. Once contact has been made, the Affirmative Action and Equity Office must be notified of the complaint. A support person may accompany the complainant.

Step Two. The Director of the Affirmative Action and Equity Office will make a preliminary assessment about the behavior in question.

-If it is the assessment of the Director of the Affirmative Action and Equity Office that the behavior does *not* meet the criteria defining discrimination and/or discriminatory harassment, and the complainant disputes that judgment, then the complainant should contact the President's Office. The President, or the President's designee, will review the complaint and determine whether or not the Director of the Affirmative Action and Equity Office should conduct an investigation.

-If it is determined that discrimination and/or discriminatory harassment *may have* occurred, but the complainant *does not wish* to pursue the complaint further, the Director of the Affirmative Action and Equity Office will take necessary action to protect the interests of the university and in accord with the accused's rights to due process. Any immediate measures that are needed to protect the complainant will be taken.

-If the assessment is that discrimination and/or discriminatory harassment *may have* occurred, and the complainant *wishes to proceed* with the complaint, the Director of the Affirmative Action and Equity Office will oversee an investigation of the complaint.

Step Three. The investigation will begin with the complainant submitting to the Affirmative Action and Equity Office a written, signed complaint. Before informing the accused of the complaint, the Director of the Affirmative Action and Equity Office will notify the appropriate administrator at or above dean or director level who has supervisory responsibility for the accused. This administrator may elect to participate with the Director of the Affirmative Action and Equity Office in all or any stages of the investigation. The Director of the Affirmative Action and Equity Office will provide a copy of the complainant's signed complaint to the accused person, together with information as to the policy. The Director of the Affirmative Action and Equity Office will then promptly interview the accused. A support person may accompany the accused. Thereafter, a reasonable effort will be made to investigate disputed facts of the case, using corroborating sources of information (including witnesses) identified by the complainant and the accused. The Director of the Affirmative Action and Equity Office will complete the investigation as promptly as is reasonably possible, in most cases within twenty (20) working days. Written, dated, confidential records will be maintained throughout the investigation.

Step Four. Through discussion with the complainant and the accused separately or together, the Director of the Affirmative Action and Equity Office may be able to resolve the matter to the satisfaction of all persons involved. If a resolution is reached, dated, written copies of the terms of the resolution shall be given to the complainant, the accused, and the administrator at or above dean or director level who has supervisory responsibility for the accused. A copy of the resolution should be kept in a file to be located in the Affirmative Action and Equity Office, unless the resolution specifies otherwise.

Step Five. If a resolution is not possible, the Director of the Affirmative Action and Equity Office must convey to the accused a formal, written statement of the charge being forwarded to the appropriate administrator for action. The Director of the Affirmative Action and Equity Office will provide findings, a conclusion regarding the extent to which the complaint meets the criteria for discriminatory harassment, and a recommendation for action, to the administrator at or above dean or director level who has supervisory responsibility for the accused. The administrator will then render judgment in the case. This judgment should be reached as promptly as is reasonably possible, and in most cases within ten (10) working days. The administrator must communicate the judgment in writing to the complainant, the accused and the Director of the Affirmative Action and Equity Office. The judgment will fall into one of two categories: (1) Unfounded, i.e., in the informed judgment of the administrator, the offense did not meet the criteria of discriminatory harassment and/or the accused did not commit the offense; or, (2) Founded, i.e., in the informed judgment of the administrator, the offense did meet the criteria for discriminatory harassment and was committed by the accused. In this case, the administrator, with advice from the Director of the Affirmative Action and Equity Office, will impose appropriate disciplinary sanctions, which may include but are not limited to an oral reprimand, a written reprimand, reassignment of duties, suspension with pay, suspension without pay, or termination.<sup>3</sup>

Step Six. Appeals and actions on appeals. An accused who is unsatisfied with the administrator's judgment and/or the imposed sanctions may grieve through the appropriate faculty or staff grievance procedures. A complainant who is unsatisfied with the administrator's judgment and/or imposed sanctions may, within ten (10) working days of receiving that judgment, appeal in writing to the next highest administrator. The administrator or designee will review all materials and make the final determination. That final determination will be made as promptly as is reasonably possible, in most cases within twenty (20) working days. The administrator must communicate the determination in writing to the complainant, the accused and the Director of the Affirmative Action and Equity Office.