

**The University of New Hampshire
Nondiscrimination Policy
Prohibiting Discrimination and Discriminatory Harassment**



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1.0 Non-Discrimination Statement

Consistent with all applicable federal and state laws, rules, regulations and ordinances (e.g. Title III, Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act as amended), and in recognition of its responsibilities to its faculty, staff, and students as well as to the communities in which it operates, the University of New Hampshire affirms its continuing commitment to afford qualified or qualifiable individuals equal access and equal opportunity within the University. To ensure equal access and equal opportunity, the University of New Hampshire shall not discriminate against any individual or group because of race, color, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, military/veteran status, genetic information, or any other characteristic protected by federal, state, or local laws.

The University also prohibits retaliation against any person participating in any discrimination complaint, investigation, or resolution process.

1.1 Purpose

This policy identifies and defines Prohibited Conduct and the process the University uses to respond to allegations of Prohibited Conduct.

The University will respond to disclosures and reports of discrimination, discriminatory harassment, and retaliation (collectively ‘discrimination’) to ensure individuals are informed of their rights and available supportive measures. The University will address complaints alleging discrimination and retaliation. It will take necessary measures to end conduct that is in violation of this policy, prevent its recurrence, and remedy its effects on individuals and the community.

Situations involving conduct that may be in violation of other University student or employee policies may be reported to the Office of Community Standards for matters involving students, or Human Resources for matters involving staff or faculty.

1.2 Application

This policy applies to the entire University community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus, and third parties such as guests, visitors, volunteers, and alumni when they are on campus or participating in University-sponsored activities. This policy applies to applicants for employment and admission to the extent provided by law.

This policy may also pertain to instances in which the conduct occurred outside of the campus or University - sponsored activity if the University determines that the off-campus conduct affects a substantial University interest, including access to the educational program or activity, safety and security, compliance with applicable law, or meeting its educational mission.

The role of a party may impact which resources, resolution options, and remedies are available to them from the University.

1.3 Freedom of Expression and Academic Freedom

The University is dedicated to an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression. This policy is not intended to inhibit or restrict free expression or exchange of ideas, abridge academic freedom, or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters. Before proceeding with an investigation of any report of discrimination or retaliation involving

an individual's speech or other communication, the University will take care to distinguish between protected speech and hostile environment harassment. A person's subjective belief alone that behavior is offensive does not necessarily mean that the conduct rises to the level of a policy violation. The behavior must also be objectively offensive. However, speech or expressive conduct that constitutes discriminatory harassment is neither legally protected expression nor the proper exercise of academic freedom.

1.4 Prohibited Conduct

This policy prohibits discrimination, discriminatory harassment, and retaliation as defined below. These acts shall also be referred to as Prohibited Conduct under this policy.

1.4.1 Discrimination- Disparate Treatment and Disparate Impact

Discrimination (disparate treatment and/or disparate impact) occurs when an adverse action is taken against a University of New Hampshire community member or group in an educational program or activity and the action is based upon one's protected characteristic. Disparate treatment occurs when one suffers less favorable treatment than others because of their protected characteristic. Disparate impact occurs when a university policy or practice, which is neutral on its face, adversely impacts individuals or groups based on their protected characteristic, and is not justified by legitimate, non-discriminatory reasons.

1.4.2 Discriminatory Harassment

Discriminatory Harassment includes the following:

- a. Quid pro quo harassment: An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- b. Hostile environment harassment:
 - 1) Unwelcome conduct directed at a person based on a protected characteristic, when these behaviors are sufficiently severe/or pervasive such that:
 - The conduct has the effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating, or offensive working and/or academic environment;
 - Submission to or rejection of such conduct by an individual is used as the basis for employment and/or academic decisions affecting that individual; or
 - Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment and/or academic work.
 - 2) Unwelcome conduct of a sexual nature that is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Determination of whether reported conduct constitutes discriminatory harassment requires consideration of all the circumstances, including the context in which the reported incidents occurred. Discriminatory harassment is often a pattern of behavior. A single incident that creates a distractingly uncomfortable atmosphere on a given day may not constitute discriminatory harassment. However, even isolated or sporadic acts may constitute severe harassment based on factors such as the degree to which the conduct affected the educational experience, the individual's work or academic environment; the type of conduct; and the relationship between the parties. It is possible for a series of individual incidents, each minor, to have the cumulative effect of becoming pervasively harassing behavior.

Generally speaking, petty slights, minor annoyances, and isolated incidents (unless severe) of rude, uncivil, or non-collegial behavior will generally not rise to the level of a policy violation and should be addressed to a

supervisor. Academic freedom provides significant space for individuals to express controversial views, teach controversial subjects, and engage in controversial research. As such, the offensiveness of a particular expression, course content, subject of academic inquiry, or research topic, as perceived by some, standing alone, is not sufficient to constitute a violation of this policy.

1.4.3 Retaliation

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privilege secured by this policy or by law or regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or any student who refuses to participate) in any manner in an investigation or hearing. Employees of the University may have other requirements to participate in an investigation or resolution process that do not otherwise violate applicable state or federal law.

Retaliation may occur even where there is a finding of "not responsible" under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not retaliation.

2.0 Reporting Discrimination, Discriminatory Harassment, or Retaliation

2.1 How to Make a Report to the University

The Director of the Civil Rights and Equity Office (CREO) is charged with monitoring compliance with federal and state laws and University policy; providing education and training; and coordinating the University's investigation, response, and resolution of all reports of Prohibited Conduct under this policy. The CREO Director acts with independence and authority and oversees all resolutions under this policy free from bias and conflicts of interest. The CREO Director may designate other University employees or external professionals to fulfill any obligations in this policy. As used in this policy, the term CREO Director refers to the person occupying that role or their designee.

The CREO Director is available to meet with any student, employee, or other individual to discuss this policy or the accompanying procedures. The CREO Director will provide information and guidance regarding how to initiate a complaint with the University, as well as information and options to address the complaint. Employees, students, guests, or visitors who believe that this policy has been violated should promptly contact the CREO Director or another member of the Civil Rights and Equity Office as follows:

Bohdan Zaryckyj
CREO Director/Title IX Coordinator
Thompson Hall 312
Bo.zaryckyj@unh.edu
603-862-2930

Individuals may also fill out an online reporting form to report Discrimination/Discriminatory Harassment or Title IX/Sexual Misconduct: <https://www.unh.edu/diversity-inclusion/civil-rights-equity-office/incident-report-form>

There is no deadline for making a report of Prohibited Conduct under this policy, however, the University encourages the prompt reporting of a complaint as the ability of the University to pursue the complaint to conclusion may be hindered by the passage of time. Timely disclosure allows individuals to access supportive measures intended to restore and maintain access to the University's learning, living, and working environment.

2.2 Privacy and Confidentiality

The University values the privacy of its students, employees, and other community members. Individuals should be able to seek the assistance they need and access this policy without fear that the information they provide will be shared more broadly.

All activities under these procedures shall be conducted considering the privacy interests of those involved. While the University will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus to address a complaint or provide for the physical safety of an individual or the campus. Thus, the University cannot, and does not, guarantee that all information related to complaints will be kept confidential.

Under USNH policy, the Title IX Coordinator or designee must provide the University President notice of any allegation of sexual misconduct involving an employee. See policy [BOT V.c.6.1](#).

2.3 Supervisory and Reporting Responsibilities

The University endeavors to be proactive in taking reasonable steps to identify and prevent incidents of discrimination and discriminatory harassment. Complaints or disclosures of discrimination reported to a person with supervisory duties shall be immediately reported to the CREO Director. Employees with Title IX compliance responsibilities must report any disclosures of prohibited conduct to the CREO Director. Complaints may also be made directly to the CREO Director by anyone who experiences, observes, or becomes aware of Prohibited Conduct.

The University encourages employees who themselves believe they have experienced discrimination to bring their concerns to the CREO Director, though individuals are not required to do so.

These reporting conditions increase the likelihood that individuals will receive access to supportive measures, ensure that all University community members have equitable access to the resolution processes, and allow the University of New Hampshire to take appropriate action consistent with its federal and state obligations and educational mission while still respecting individual agency and autonomy.

2.4 Supportive Measures

Individuals who report allegations of prohibited conduct may receive supportive measures regardless of whether they seek additional resolution options. Supportive measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the parties to:

- Restore or preserve that party's access to the University's education program or activity, including measures that are designed to protect the safety of the parties or the University's educational environment; or
- Provide support during the University's resolution procedures or during an alternative resolution process.

Supportive measures may include but are not limited to counseling; extensions of deadlines and other course-related adjustments; student leaves of absence; changes in class, work, housing, or co-curricular or any other activity; no-contact directives; and training and education programs related to the matter.

Supportive measures will also be offered to respondents when they are notified of allegations.

Supportive measures put in place will be kept private, except when doing so impairs the ability of the University to provide the supportive measures.

The CREO Director has the discretion to implement or modify supportive measures.

3.0 Responding to a Report

The following process is used upon receipt of a report of Prohibited Conduct.

3.1 Pre-Complaint Consultation and Review

Any member of the University community may consult with the CREO Director regarding perceived discrimination. Consultation addresses factors such as the complexity of the situation, whether the situation involves actual or imminent loss of employment or academic standing, potential physical harm, or ongoing interaction between the individuals involved.

During consultation, the CREO Director may:

- Receive complaints about alleged prohibited conduct.
- Discuss the facts of the situation and help the individual identify the problem(s).
- Explore methods of resolving the situation on one's own, if that is the individual's preference.
- Identify desired outcomes.
- Advise the individual of alternate available University resources and external options for resolution.
- Assess whether this policy applies to address the alleged conduct.
- Evaluate appropriate supportive measures at restoring the individual's learning or working environment while the matter is brought to resolution.

3.2 Preliminary Assessment of Report

If, after a preliminary assessment, it is determined the alleged misconduct does not meet the criteria defining Prohibited Conduct, the complainant will be notified about the decision and provided with a rationale. The complainant will also be provided with available resources and support.

In some circumstances, the conduct may otherwise be assessed as inappropriate or improper, but not a violation of policy. In such instances, the CREO Director will discuss this determination with the appropriate office, who in turn may address the incident as needed. The CREO Director may refer the matter for further review under the Student Code of Conduct, personnel policies, or other applicable policies and procedures.

If the assessment is that Prohibited Conduct may have occurred, and the complainant wishes to proceed with the complaint, the CREO Director will oversee the investigation and resolution of the complaint.

When appropriate, the CREO Director will inform Human Resources, the relevant executive officer(s), and other relevant stakeholders when the complaint of alleged prohibited conduct involves an employee as a respondent. Other stakeholders with legitimate need to know will be notified regarding matters involving students.

3.3 Intake Interview

The CREO Director, or another member of the Civil Rights and Equity Office, may contact the complainant to participate in an intake interview. The CREO Director will:

- Ask more detailed questions so that the allegations may be clearly stated for issuing notice to the Respondent.
- Ask the complainant to identify witnesses and other individuals who may be affected by the alleged prohibited conduct.
- Advise the complainant of additional reporting options.
- Describe the investigation procedures to enhance the complainant's understanding of the process and facilitate reasonable expectations as to roles and the University's resolution process.
- Advise the complainant of the policy prohibiting retaliation and protection against retaliation.
- Discuss privacy and confidentiality considerations.
- Address supportive measure interests.

The complainant may submit a written complaint but is not required to do so.

3.4 Requests for No Further Action

When a complainant requests that the University not take any further action, the University will generally try to honor that request. In circumstances where the University has other obligations to address the alleged prohibited conduct, the CREO Director will initiate responsive action as necessary. In such circumstances, the CREO Director will notify the complainant of the need to act and implement supportive measures, as necessary. The CREO Director will consider the specific facts and circumstances when determining whether responsive action is necessary.

4.0 Resolution Options

There are multiple ways to resolve a complaint or report of Prohibited Conduct under this policy. Whenever possible, the University will use the resolution method preferred by the complainant.

4.1 Support-Based Resolution

A support-based resolution is an option for a complainant who, following pre-complaint consultation and review, does not wish to take any further steps to address their concern, and the CREO Director determines that another form of resolution, or further action, is not required. Supports that may be appropriate include, but are not limited to:

- adjustments or changes to class/work schedules;
- moving from one residence hall room to another;
- adjusted deadlines for projects or assignments;
- adjustments to work schedule or arrangements;
- restrictions on contact applied to one or more parties;
- counseling and support services referrals;
- other remedies as deemed appropriate.

A support-based resolution does not preclude later use of another form of resolution. For example, if new information becomes available to the University and the CREO Director determines additional steps should be taken, or the complainant later decides to file a complaint to initiate an investigation and decision-making process or an agreement-based resolution.

4.2 Agreement-Based Resolution

An agreement-based resolution is a voluntary, structured arrangement between involved parties that integrates support and accountability. Agreement-based resolution is an alternative to the investigation and decision-making processes.

All parties must voluntarily consent to engage in the agreement-based resolution process, and the CREO Director must approve the use of this process and approve the final agreement between the parties. A party's enrollment, employment, or enjoyment of any other right or privilege may not be conditioned upon participating in an agreement-based resolution.

During an agreement-based resolution process, supportive measures will remain available to the parties.

If an agreement cannot be reached, for any reason, the CREO Director may determine that the reported conduct will instead be addressed through other available processes.

4.2.1 Facilitating an Agreement-Based Resolution

If all parties are willing to explore agreement-based resolution, the CREO Director will discuss separately with each party the process and agreement provisions.

Any party may suggest provisions to the proposed agreement, and parties will be asked for their suggestions or ideas. Agreement provisions may include, but are not limited to:

- a change to a party's class schedule and/or housing assignment;
- a change to a party's work assignment or reporting structure;
- an agreement that parties will not communicate or otherwise engage with one another;
- an agreement to engage in restorative practice, mediation, or other facilitated dialogue;
- completion of a training or educational project;
- separate and/or joint meetings with the complainant and/or respondent's supervisor(s);
- acceptance or denial of responsibility by a party;
- discipline and/or personnel file memo agreed upon by all parties;
- community-based remedies.

No evidence concerning the allegations obtained within the process may be disseminated by the parties, provided that any party to the agreement-based resolution process may generally discuss matters as it relates to allegations of prohibited conduct with an advisor. If an agreement cannot be reached, information disclosed or obtained for purposes of the agreement-based resolution process may be incorporated into subsequent investigation and decision-making processes.

4.2.2 Finalizing the Resolution Agreement

Once the CREO Director approves the agreed upon terms of the Resolution Agreement, all parties provide written acknowledgment, and all conditions have been met or satisfied, the matter will be closed. No further actions will be taken beyond those established in the agreement. No appeal is permitted. Records of an agreement-based resolution can be shared by the CREO Director with other offices as appropriate.

Violations of Resolution Agreement terms may result in referral to the appropriate office for disciplinary action.

4.3 Investigation and Decision-Making Processes

This process is available when requested by the complainant or when otherwise deemed appropriate by the CREO Director.

4.3.1 Notice of Investigation

Upon determination that an investigation will occur, a written 'Notice of Investigation' ('Notice') or similar document will be provided to the respondent. This Notice will include a meaningful summary of the allegations, the alleged policy violations, a statement that retaliation is prohibited, and the range of possible sanctions. The complainant will be provided with confirmation that notice of investigation has been issued.

4.3.2 Advisors

Parties may have an advisor of choice present with them for all meetings and proceedings. The advisor may advise, support, and/or consult with them throughout the resolution process. The unavailability of a specific advisor will not unreasonably delay scheduling, nor may a party's advisor answer questions regarding the subject matter of the investigation. The parties also have the right to consult with an attorney, at their own expense, or a union representative at any stage of the process if they wish to do so.

An advisor who is also a witness in the process creates potential for bias and conflict of interest. Advisors are expected to advise ethically, with integrity, and in good faith.

4.3.3. Timeline

The University strives to complete the investigatory process in a timely manner and consistent with any applicable contractual obligations.

The timeline for any part of the resolution process may be extended for good cause by the CREO Director. All parties will be notified of any extension to the timeline, the reason for the extension, and the newly anticipated date of conclusion of the investigation.

4.3.4 Investigation Overview

The University shall conduct a thorough and objective investigation of the complaint, including an opportunity for parties to identify witnesses and submit evidence relevant to the complaint, and to corroborate sources of information identified by the parties. The appointed investigator will conduct interviews with parties and witnesses, gather relevant evidence, and clarify or review information gathered during the investigation. Interviews shall be recorded to the extent feasible and are the sole property of the University. Written, dated records shall be maintained throughout the investigation.

4.3.5 Referral for Decision Making

Upon conclusion of the investigation, the CREO Director will review the information gathered and determine whether the matter will be referred to the decision-making process.

A matter will be referred for decision-making when the information gathered during the investigation reveals that the conduct alleged, if proved by a preponderance of the evidence, would constitute prohibited conduct.

The matter may not be eligible to be referred to the decision-making process 1) when the information gathered during the investigation reveals the conduct alleged, even if proved by a preponderance of the evidence, does not meet the definition of Prohibited Conduct, 2) when specific circumstances prevent the University from

gathering evidence sufficient to reach a determination as to the allegations, or 3) when the respondent is no longer enrolled or employed by the University. This is not a finding on the merits of the complaint.

The parties will be informed in writing when a matter is not referred to the decision-making process. This notification will include rationale for the matter not proceeding.

4.4 Decision Making for Matters Involving Students as Respondents

This decision-making process is used to determine 1) whether the student respondent is responsible for the alleged Prohibited Conduct, 2) what student disciplinary sanctions will be imposed, if applicable, and 3) what additional responsive action, if any, is necessary.

4.4.1 Hearing Notice

When a matter is referred for a hearing, written notice, including the specific prohibited conduct alleged (charges), will be provided to the complainant and respondent. Notice shall be issued at least ten (10) days prior to the hearing.

In advance of the hearing, access to the investigative report will be provided to the complainant, respondent, and decision-maker.

4.4.2 Hearing and Outcome

Following a review of the investigation report and the conclusion of a hearing, the decision-maker will determine whether, based on a preponderance of the evidence, a violation of policy occurred and what sanctions, if any, will be imposed.

The decision-maker must have an opportunity to question any party or witness in a live format when 1) a party or witness's credibility is in dispute and such dispute is relevant to evaluating one or more allegations of Prohibited Conduct, and/or 2) when a responsible finding for the alleged Prohibited Conduct may result in a Respondent's suspension or expulsion from the University.

A student respondent may accept responsibility for any alleged policy violations and move directly to a sanctioning phase.

A written outcome, including rationale, and appeal information, will be provided to both parties. Any disciplinary sanctions imposed will be communicated with the parties.

4.5 Decision Making for Matters Involving Employees as Respondents

The decision-making process is used to determine 1) whether the respondent engaged in Prohibited Conduct, 2) what discipline or corrective action will be imposed, if applicable, and 3) what additional responsive action, if any, is necessary.

While the procedures for employee discipline are subject to applicable collective bargaining agreements and/or personnel policies, the standard of review is the same for all employees.

4.5.1 CREO Director Role

Upon completion of the investigation, the CREO Director will provide investigative findings, a conclusion regarding the extent to which the behavior meets the definition of Prohibited Conduct, and a recommendation

for action to the decision-maker. The CREO Director will provide this material, along with the investigative report, to the decision-maker.

4.5.2 Decision Maker Role

A decision-maker is a supervisor or administrator within the respondent's reporting line who has the authority to determine responsive action up to and including termination of employment. The decision-maker must be free from bias and/or conflict of interest.

The decision-maker will review the prepared materials. The decision-maker will determine, using a preponderance of the evidence standard, whether a violation of policy occurred and what responsive action, if any, is necessary.

A written outcome, including a summary of the findings and rationale, will be provided to both parties.

4.5.3 Disciplinary Action

In the event the outcome supports employee disciplinary action, the decision-maker will coordinate such action with stakeholders, including Human Resources and CREO, and in a manner consistent with applicable policies and procedures and/or applicable collective bargaining agreements. Disciplinary action may include, but is not limited to, an oral or written reprimand, reassignment of duties, mandatory counseling, suspension with or without pay, probation, or termination.

5.0 Appeals

5.1 Conditions for Appeal

A party may submit an appeal when:

- Following preliminary assessment of report, it is determined that the alleged misconduct does not meet the criteria defining Prohibited Conduct;
- Upon completion of the investigation, the CREO Director does not refer the matter to the decision-making process;
- The appointed decision-maker determines whether the respondent violated the policy or not.

Appeals may be filed only on the following grounds:

1. Procedural Error
2. New Evidence is available that was not previously
3. Actual Conflict of Interest or Demonstrated Bias

5.2 Appeal Process

Appeals must be filed in writing and submitted to the CREO Director within five (5) days following the notice of decision that is the basis for the appeal. An appellate officer will be assigned to review the appeal and make a final determination.

The appellate officer will make a determination regarding the appeal and communicate that decision, along with rationale to the CREO Director, who will communicate the decision to the parties. The decision of the appellate officer is final.

Parties who are employees may have additional rights in accordance with grievance procedures described in applicable collective bargaining agreements or personnel policies. This process is separate from, but in no way

limits the rights that may be afforded to individuals under any applicable collective bargaining agreement or other policy.

6.0 Additional Information

6.1 Community-Based Remedies

The CREO Director may, at any time following complaint consultation and review, during an investigation, or following the outcome of the decision-making process, provide information about the matter to relevant University offices and services to support community-based remedies and to prevent prohibited conduct from occurring. Information will be shared consistent with applicable policies regarding privacy.

6.2 Referrals for Other Misconduct

The University has the discretion to refer complaints of misconduct not covered by this policy to be addressed under any other applicable University policy or code. As part of any such referral, the University may use evidence already gathered through any process covered by this policy.

Should there be a conflict between the provision of this policy and other University policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy will govern unless specifically stated otherwise.

This policy and these procedures are separate from the University's student disciplinary processes, by which the University may bring a discipline charge against a student for violating University policy according to the provisions found in the University's Code of Conduct.

6.3 Consolidation of Cases

The University may consolidate complaints under this policy as appropriate. For example, if there are multiple complaints where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple complaints with overlapping parties.

The University also reserves the right to use this policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct under this policy. The CREO Director will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as the Office of Community Standards and Human Resources. Allegations of a violation of a separate policy are not required to be addressed using the procedural requirements set forth in this policy.

6.4 Administrative Leave

The University retains the authority to place an employee respondent on administrative leave during a pending complaint process under this policy, with or without pay.

6.5 Student Withdrawal or Employee Resignation While Matters are Pending.

If a student or employee respondent withdraws or resigns from the University after receiving notice of a complaint and with unresolved allegations, the University will consider whether and how to proceed with the resolution process. The University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged prohibited conduct.

A student respondent who withdraws with unresolved allegations may not return to the University without first resolving any pending matters. Admissions will be notified that the individual is not eligible for readmission.

They may also be barred from University property or events. If a student respondent takes a leave of absence for a specified period (e.g., one semester or term), the resolution process may continue remotely.

An employee respondent who resigns with unresolved allegations is not eligible for rehire with the University and the records retained by the CREO Director will reflect that status. The CREO Director will notify the Chief Human Resources Officer of the unresolved allegation(s).

6.6 Recordkeeping

In implementing this policy, records of all reports and resolutions will be kept by the CREO Director in accordance with the applicable University records retention schedule. All records will be afforded the confidentiality protections required by law, including the Family Educational Rights and Privacy Act governing confidentiality of student information. Records related to reports under this policy are not considered public records under applicable state and federal laws.

6.7 Policy Interpretation and Review

Nothing in this policy prevents the complainant or the respondent from filing a complaint with local, state, or federal agencies. The University will proceed with investigating discrimination complaints regardless of whether the underlying conduct is subject to civil or criminal prosecution.

This policy may be updated as changes in the law dictate. To the extent that the University is subject to rules, regulations, court decisions, guidance or other laws that are different than what is stated in this policy, those rules, regulations, court decisions, guidance, or laws will be followed.

Procedures in effect at the time of this policy's implementation will apply. The prohibited conduct definitions in effect at the time of the alleged violation will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the University website.

6.8 How to Make a Report to an External Agency

The U.S. Department of Education, Office for Civil Rights (OCR) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
FAX: 202-45-6012; TDD 800-877-8339

The U.S. Equal Employment Opportunity Commission (EEOC) investigates reports of unlawful harassment and discrimination, including sex-based harassment, in employment.

U.S. Equal Employment Opportunity Commission
15 New Sudbury Street, Room 475 Boston, MA 02203-0506
Telephone: 1-800-669-4000

The New Hampshire Commission on Human Rights enforces New Hampshire laws against discrimination in employment, housing, places of public accommodation and K-12 public schools, because of age, sex, sexual orientation, gender identity, race, creed/religion, color, marital status, familial status, disability, or national origin.

New Hampshire Commission for Human Rights
2 Industrial Park Drive, Bldg. One Concord, NH 03301
Telephone: (603) 271-2767 Fax: (603) 271-6339
E-mail: humanrights@nh.gov

7.0 Key Terms

Complaint: An assertion or assertions made to the CREO Director alleging Prohibited Conduct by a respondent and requesting that the University initiate an investigation or resolution process. A complaint may be filed with the CREO Director in person, by mail, or by electronic mail (email), by using the contact information listed on the University website, or as described in this policy.

Complainant: Any individual who has reported being, or is alleged to be, impacted by Prohibited Conduct as defined by this policy, and who was participating, or attempting to participate, in a University program or activity at the time of the alleged misconduct.

Disclosure or Report: A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting Prohibited Conduct under this policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

Decision-maker: Trained professional designated by the University to decide responsibility, sanction, or appeals. A decision-maker may be one person, or a panel of multiple people as determined by the University.

Hearing: A proceeding, where a decision maker can make a determination whether a student respondent is responsible for the alleged Prohibited Conduct.

Respondent: An individual, or group of individuals such as a student organization, who has been reported to have been engaged in conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

Sanctions: One or more disciplinary steps listed are imposed on a respondent who is found responsible for a violation of the University's policies. Sanctions or disciplinary steps not listed here may be imposed in consultation with the CREO Director.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable University rules, policies, and procedures.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Employees found responsible for violating this policy may be referred to the appropriate university official in a manner consistent with applicable policies and procedures and/or applicable collective bargaining agreements.

Possible sanctions and disciplinary steps for student respondents include, but are not limited to the following:

- Formal Warning
- University Housing Probation
- University Housing Suspension
- University Housing Removal
- University Disciplinary Probation
- University Suspension
- University Expulsion
- Loss of Privileges
- Discretionary Assignments or Activities

Possible sanctions and disciplinary steps for employee respondents include, but are not limited to:

- Oral or Written Warning
- Suspension
- Probationary Period
- Demotion
- Termination

Substantial University Interest: includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the respondent poses a threat to the physical health or safety of any student, employee, or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that substantially interferes with the educational interests or mission of the University.