

Public Health Safety Protocols 2020-21 (Revised March 17, 2021)

[Updated: March 17, 2021. The University has revised these protocols to address better how the University will respond to situations where students violate the safety rules. This update will be effective on March 17, 2021]

Purpose and Origin of the Protocols

The COVID-19 pandemic poses serious health risks to students, vulnerable members of the campus community and the Durham community, and students' families and home communities. These risks are well documented, not subject to serious scientific dispute, and therefore will not be cataloged in detail here. The University is a residential living and learning environment, where the challenges of managing community spread are made more significant by several factors, including the difficulty of (a) maintaining safe physical distance in classrooms, laboratories, recreational areas, and living spaces; (b) providing practical barriers to airborne droplets carrying the virus in those spaces; and (c) the highly variable impacts of the virus on persons who spread it. The University committed a vast amount of human effort in establishing procedures and protocols that follow the best available guidance to create satisfactory conditions for reopening our campuses and keeping them open. As a community, we have learned a lot about what measures work to effectively prevent the spread of the virus. However, the persons who developed these protocols recognize that the state of knowledge about the COVID-19 virus is rapidly evolving and best practices for preventing community spread and protecting vulnerable persons is also changing quickly. Accordingly, in consultation with faculty, staff, and community members, the university president reserves the right to modify these protocols as needed.

Safety Rules

[Note: Listed below are the general safety rules all students are expected to follow. At the end of this document, the University has provided explanations of these rules and how they will apply.]

Students must adhere to the following before and during the Spring Semester of 2021:

1. Complete all required pre-arrival testing/quarantine requirements.
2. Set up and update Wildcat Pass information (to include updating the personal profile with the most current personal phone number and the street address where the student will be living during the semester) and complete all required forms.
3. Wear masks or face coverings:
 - a. when inside all campus buildings;
 - b. when outside on campus; and
 - c. when in the downtown Durham area when physical distancing is not possible.

[See below for limited exceptions to this rule.]

4. Comply with posted signs, syllabus statements, and published safety rules prescribing physical distancing, frequent handwashing, and hand sanitizer use.
5. Comply with executive orders issued by the NH Governor and directives from classroom faculty and University administrators.

6. Not host, organize, attend improper parties or gatherings.

[See below for a description of specific rules about permissible and improper gatherings.]

7. Not have any guests in University-owned residential facilities who are not current UNH students who are actively participating in the University's COVID-19 testing program.
8. Comply with all University testing requirements.

[See below for a description of testing requirements.]

9. Adhere to all rules in the Student Code of Conduct

Enforcement Procedures

Our goal is to make our community (including the communities surrounding us) a safe place for learning together. Accordingly, the University has spent a great deal of time and effort developing protocols designed to protect each other from contracting and spreading COVID-19. Success can only be achieved if we all commit to working together. Therefore, enforcement needs to strike a balance between allowing students to learn from their mistakes and protecting others from the risks posed by those mistakes. It also needs to hold students accountable for the choices they have made. The enforcement procedures articulated below reflect our community's standards for striking that balance.

Reporting possible violations.

Any member of the University community or the public may report concerns about possible violations of these protocols. The University has created a [webpage](#) where reports can be made using the [COVID-19 Incident Report Form](#). The form shall identify, if known, the student, the date, the approximate time, the place, and the safety rule(s) that were violated. If this is not the first reminder or violation, the report shall include, if known, the number of occasions that the student was reminded of or violated the safety rules. Reports of possible violations may also be made directly to Community Standards or in any manner approved by Community Standards.

Process for Resolving Cases.

Given the unique issues presented by COVID-19, the University has developed specific procedures to address those matters, which generally fall into one of three categories:

1. Violations of general COVID-19 related rules (Rules 1-7 above)
2. Failure to timely and adequately submit COVID-19 test samples (Rule 8 above)
3. Incidents that may involve violation of COVID-19 related rules *and* general conduct rules from the Student Code of Conduct

In some instances, non-compliance will be reported on an individual basis where an individual or individuals report information about a student indicating that the student violated a rule. In cases involving whether a student has violated the University's testing protocols, the Director of Community Standards will generally receive information electronically from those who oversee the testing program. That information is generated as follows:

- The testing lab will collect testing samples from drop off locations and will log each sample into a database;
- An individual designated by the University will:

- compare the information provided by the testing lab to the list of students who were required to submit tests before the time the samples were collected;
- compare that information to the list of students who are required to submit tests but who were excused from doing so;
- upload to the database the list of those who were required to, who were not excused from, and who did not submit a test sample.
 - the database will include, among other things, the testing history of the individual student, including their testing schedule, the dates they dropped off test samples, and any testing deadlines that they missed;
- The Director of Community Standards, or a designated representative, will regularly review the list from the database of students who have "missed tests".

The Senior Vice Provost for Student Life, the Director of Community Standards, or their designee will act on behalf of the University to resolve student non-compliance reports. Reports of non-compliance will be resolved using the processes described below. Given that there may be unique, unforeseen circumstances, the Senior Vice Provost or the Director may exercise their discretion to make minor technical modifications that will not affect students' rights.

Procedure and Sanctions for Violations of General COVID-19 Related Rules (Rules 1-7 above).

The process for resolving these matters will depend on the sanction level that is being imposed/proposed.

- Warning/Educational Sanction Cases: Violations where the sanction is limited to a warning and/or modest educational sanction such as an educational meeting or reviewing online educational materials.
 - The Director will designate a representative of Community Standards to review the information received on an individualized basis.
 - If the reviewer determines: (a) there is sufficient information to decide, (b) it is more likely than not that the student committed the violation, and (c) the appropriate sanction is a warning (and possibly a modest educational sanction such as an educational meeting, reviewing educational material, etc.), the reviewer (or a Community Standards staff member) will record that finding and decision and will notify the student of the decision by email.
 - Educational support is a principal goal for warning level cases. The Director will oversee this process to ensure effective educational interventions across the University campus to support a student's improved compliance.
 - Given the minimal impact that such a violation will have on the student's educational experience, the reviewer is not required to meet with the student before making the decision, and the decision is not subject to appeal.
- Probation Cases: Violations where the most serious sanction is probation.
 - The Director will designate a representative of Community Standards to review student non-compliance reports on an individualized basis. Reports of student non-compliance will be presumed accurate and reliable, subject to the student's right to establish that the presumption does not apply on the facts and circumstances present.

- If the reviewer finds (a) that there is a strong indication that the student committed the violation; and (b) that probation will be the most serious sanction applied, Community Standards will email the student a Report of Violation/Complaint and the proposed sanction. A student who believes the finding of responsibility or the sanction are erroneous may, within 72 hours from the transmission of the finding, submit a written statement (as well as other documents or evidence) by email to the Community Standards office for review. The Director will designate a reviewer, who may speak with the student and will make a final decision. Community Standards will notify the student by email of the result.
- These cases are not appealable.
- **Hearing Level Cases:** Violations with sanctions more serious than probation, including the following: suspension, eviction from University housing, removal from campus, loss of privilege to attend in person classes for the remainder of the semester, or loss of privilege to access any campus facility for the rest of the semester will have a hearing.
 - The Director will designate a representative of Community Standards to review the information received.
 - If the reviewer finds (a) that there is a strong indication that the student committed the violation; and (b) that a sanction more serious than probation will be proposed/imposed, Community Standards will email the student a Report of Violation/Complaint and the proposed sanction. The student is entitled to speak with the reviewer or a staff member of Community Standards about the complaint, the process and their rights in the process.
 - The student has the option to accept responsibility for the violations (and agree to the sanctions). The student may accept responsibility by sending an email to the Community Standards office within 48 hours of the transmission of the Report of Violation/Complaint.
 - If the student disagrees with the proposed finding of responsibility or the sanctions, the student is entitled to a hearing. Hearings will be conducted according to the procedures set forth in the [Student Code of Conduct](#), Art. IV(D)(5). In these cases, a hearing may be comprised of a single hearing officer or a panel of three hearing officers.
 - A student may appeal the decision of the hearing officer/panel as provided in the [Student Code of Conduct](#).

Procedure and Sanctions for Violations of University COVID-19 Testing Requirements.

- **Rule:** Students must adhere to the University's testing schedule and testing requirements, which include submitting tests on a timely basis as determined by the University. This includes students who are living in Durham, Madbury, Lee, Newmarket, and Dover who have more than just incidental contact with other members of the University community, even if the student does not come to campus. Incidental contact would include things like shopping at the same grocery store or eating at the same restaurant where other members of the University happen to be. Contact is more than just incidental when it involves things like a having a roommate who is also a student, attending in person University activities, or socializing with members of the University community.

- Sanctions: The University will sanction a student found to have two or more "missed tests" as follows:
 - Loss of the privilege to attend all in-person academic and extracurricular for the remainder of the semester. At the discretion of the student's faculty and college, the student may be permitted to complete coursework through remote learning technologies.
 - A campus ban for the remainder of the semester.
 - 6 months' probation.
 - The hearing officer has the discretion to impose additional sanctions if warranted.
- Notification to students about "missed tests".
 - First "missed test".
 - Within several hours of the student's scheduled drop off deadline, the student will receive both a text (if the student has provided their personal phone number) and an email notifying the student that the testing lab did not receive a sample for the student. The student will be directed to submit a test sample by 5:00pm the following day. The email will also explain the consequences for students who miss tests and provide the student with information about who to contact if they believe there was an error.
 - If the lab does not receive a test sample for the student by 5:00pm the following day, the student will have incurred a "missed test".
 - Within several hours of the student incurring the first "missed test", the student will receive both a text and an email notifying the student that the student has incurred a "missed test". The email will explain the consequences for incurring one "missed test" and the consequences for incurring a second "missed test". It will also explain what the student can do if the student believes there has been an error and the student did not actually miss the test.
 - Second "missed test".
 - Within several hours of the student's scheduled drop off deadline, the student will receive both a text and an email notifying the student that the testing lab did not receive a sample for the student. The student will be directed to submit a test sample by 5:00pm the following day. The email will also explain the consequences for students who miss tests and will provide the student with information about who to contact with questions.
 - If the lab does not receive a test sample for the student by 5:00pm the following day, the student will have incurred a second "missed test".
 - Within several hours of the student incurring a second "missed test", the student will receive both a text and an email notifying the student that the student has incurred a second "missed test". The email will also:
 - explain what the student can do if the student believes there has been an error and the student did not actually miss the test;
 - explain that the student has a right to contest whether the student actually missed two tests;
 - **explain that the student will be required to leave campus and University housing by 7:00pm the following day.**

- for the safety of the University community, the University requires that a student who has missed two tests be removed from campus within this period of time;
 - the email sent to the student will provide the student with the contact information for who to contact if the student will face an emergency situation as a result of the requirement that the student leave campus.
- Procedure when a student incurs a second "missed test". As noted above, within hours of incurring a second "missed test", the student will be notified that the student must remove themselves from campus by 7:00pm the following day. The student is entitled to a hearing within 4 business days of incurring the second "missed test".
 - The Community Standards office will promptly send the student a hearing notice (with the time and date of their scheduled hearing) and a Report of Violation/Complaint notifying the student of the charges and proposed sanctions.
 - The student is entitled to speak with the reviewer or a staff member of Community standards about the Report of Violation/Complaint, the process, and their rights in the process.
 - The notice will include names and contact information for the Director of Community Standards and one or more additional Community Standards representatives.
 - The student has the option to accept responsibility for the violations (and agree to the sanctions).
 - If the student does not accept responsibility, the student is entitled to a hearing. Hearings will be conducted according to the procedures set forth in the [Student Code of Conduct](#), Art. IV(D)(5) with the following exceptions:
 - the hearing may be held before a single hearing officer;
 - the student will be given the opportunity to confer with a trained student advisor before and after the hearing. The advisor will not be present at the hearing.
 - since the sanctions for the violation are mandatory (removal from campus for the remainder of the semester and 6 months' probation), the hearing will not include a discussion of sanctions unless the hearing officer is considering imposing additional sanctions to the mandatory removal from campus and 6 months' probation.
 - A student may appeal the decision of the hearing officer/panel.

Procedure for Cases Involving COVID-19 Related Violations (Rules 1-7 above) and Violations of the Student Code of Conduct. If the conduct alleged against the student violates both the Safety Rules outlined here and any of the rules in the Student Code of Conduct, Community Standards has the discretion to resolve the matter under the procedures described here or the procedures described in the Student Code.

Sanctioning.

Sanctions will be proportional to the violation. Each case will be evaluated individually according to the facts of that case. A student may receive a combination of sanctions that could include but are not limited to the sanctions listed below. There are, however, prescribed sanctions for certain violations of these health and safety protocols. Students should also be aware that if their actions

violate other rules covered under the Student Code of conduct, they may be subject to additional sanctions as warranted. The following examples will be used to guide the process of assigning sanctions to founded complaints of non-compliance with these safety rules.

- **Warning.** This sanction generally applies to students who have not received a warning in the past but have needed to be reminded to wear a mask or to distance themselves properly physically from others.
- **Probation (3 mos).** This sanction generally applies (1) to students who have already had a warning and/or an educational conversation but have continued to need to be reminded to wear a mask or to properly physically distance themselves from others; (2) students who have been reminded to wear a mask or physically distance and refuse (even if they eventually comply; students are expected to follow the protocols promptly when they are reminded); (3) students who have attended an impermissible gathering; and (4) students who have hosted an impermissible gathering where the risk presented by the gathering was relatively lower (for example, a gathering of 5 people in a room where only 4 are permitted).
- **Other possible sanctions.** Other sanctions that could be imposed for more serious conduct, in situations where there are multiple violations, or in situations where a student has prior misconduct include:
 - Probation (greater than 3 mos.);
 - Removal from campus (which would include the loss of privilege to attend live classes);
 - Loss or restrictions of privileges (which could include things like prohibition on using certain facilities, visiting other residence halls, attending functions, etc.);
 - Eviction from University housing;
 - University suspension.
- **Specific Cases.** The University has determined that some violations will always include certain sanctions (additional sanctions may be imposed at the discretion of a hearing officer/panel).
 - Students who are found responsible for having a guest in University housing who is not a current UNH student will be evicted from University housing.
 - Students who are found responsible for having two or more "missed tests" (failure to submit COVID-19 test samples) will be removed from campus for the remainder of the semester and receive 6 months' probation.

[Notice of Three Strikes Policy: Any violation that results in a sanction other than a warning and educational conversation is considered a "strike" under the University's Three Strikes Policy.]

Communication with Parents

A student may give the Senior Vice Provost or the Director permission to discuss their case with a parent or guardian. In some instances, the Senior Vice Provost for Student Life, the Dean of Students or the Director may communicate with the student's parents without the student's prior consent if they find that the student's violation of the safety rules would constitute a risk to the health and safety of any vulnerable person who might be living in the student's home or home community, or if they determine that a sanction, such as the loss of housing, may expose the

student to unreasonable health or safety risks.

Detailed Description of COVID-19 Safety Rules

Testing Rules/Requirements/Obligations

- Testing Frequency/Missed tests. Students are required to drop off their test samples on specific days and times.
 - A student incurs a "missed test" if they do not submit a sample by their assigned deadline and then do not submit a sample by 5:00pm the following day.
 - Students who incur 2 or more "missed tests" (they need not be consecutive) will be removed from campus for the remainder of the semester.
- Adulterated Samples. Students who intentionally submit samples that were not collected as directed/approved by the University will face sanctions that will likely include a ban from campus for a designated period and may face more serious consequences, such as suspension.

Masks & Physical Distancing

[Note: Physical distancing is a critical part of the University's plan to reduce the risk of COVID-19 transmission, and research confirms that physical distancing is one of the most effective means of reducing the risk of transmission. Accordingly, appropriate physical distancing is always and expectation.]

Where?	Rule
<p>Inside any campus building.</p> <p>[Note: This includes all University housing.]</p>	<p>*Must wear mask. <i>[Note: This includes when attending class, even if you are more than 6' away from someone else.]</i></p> <p>*Must respect room capacity signage.</p> <p>*Must follow all rules established for that building. <i>[Note: This includes permission to not wear a mask under circumstances where the building rules do not require one (i.e., dining halls; Hamel Rec. Center).]</i></p> <p>*Specific Rules for Residence Halls/University Apartments:</p> <ul style="list-style-type: none"> • There is a limit on the number of people permitted in a room/apartment at any given time: <ul style="list-style-type: none"> • Single dorm room: 6 people • Double dorm room: 8 people • Apartment/Suite: Twice the number of residents (for example, no more than 12 people in a 6-person suite)

	<ul style="list-style-type: none"> Students (and their guests) do not need to wear a mask when in their own room/apartment in University housing. <i>[Note: If any resident of the room or apartment asks, all guests must wear masks.]</i>
Outside – On Campus <i>[Note: This includes the sidewalks directly abutting campus.]</i>	* Must wear mask. <i>[Note: This includes when playing outdoor sports such as basketball, volleyball, etc.]</i>
	<u>Exception:</u> If you are walking/jogging/exercising alone on campus and the nearest person is a significant distance away. <u>Exception:</u> If you are sitting/standing/eating/drinking in one place and the nearest person is a significant distance away.
Outside - General Downtown Durham Area – Areas Open to the General Public	* Must wear mask.
Outside – Town of Durham – Private Residences/Areas Not Open to General Public <i>[Note: This includes all apartment buildings and property, and the rule applies even if the lease agreement says otherwise.]</i>	* Must wear mask any time you are closer than 6' from another person. <u>Exception:</u> All exceptions for "Outside – On Campus" also apply here. <u>Exception:</u> You are not required to wear a mask when you are within 6' of a person who lives in the same apartment or the same single family residential home <u>and</u> you are on the property where you live. <i>[Note: This does not include everyone on the same apartment building, only your apartment/suitemates.]</i> <i>[Note: Students in private off campus housing should be aware that their lease agreements may impose other restrictions on gatherings.]</i>
Inside – Town of Durham – Buildings/Businesses	* Must wear mask. <u>Exception:</u> Under those circumstances where the building/business expressly allows you to not wear a mask (i.e., seated while eating in a restaurant).

Gatherings

<p>On Campus/In Residence Halls/In Housing Units/In Town of Durham</p>	<p>* May not host or attend any of the following:</p> <ul style="list-style-type: none"> • Any gathering in a student's room/apartment in University housing that exceeds the limit on the number of people allowed in the room/apartment (see "Specific Rules for Residence Halls/University Apartments" above). • In buildings other than University housing, any informal inside gathering with more people than 40% of the fire code capacity where the student should reasonably be aware of the fire code capacity (e.g., it is posted outside the room or facility). • Any gathering more than Town of Durham ordinances. • Any gathering exceeding the capacity established in a lease agreement where the student should reasonably be aware of that capacity. Residents are presumed to know any capacity limits stated in their lease and should review their lease agreement before hosting a gathering. • Any gathering in a campus building that exceeds posted capacity. • Any informal gathering with more than 25 people. Any exceptions would need to be approved by the University.
<p>Nearby Towns/Region</p>	<p>*May not host any gatherings with more than 25 people.</p> <p>*May not attend any gathering hosted by a UNH student where there are more than 25 people (total of UNH students plus non-students) present.</p>