

4. Any student penalized under those procedures may appeal the decision. In any appeal, the student involved has the right to the presence of an advisor of the student's choice drawn from the University community.
  - A. to appeal an instructor's decision, a written request for appeal must be sent to the student's college dean in a timely fashion, normally within 30 days, unless the student presents evidence of circumstances preventing such a timely response. Normally within two weeks the dean will schedule a meeting with the student to afford the student an opportunity to explain or reply to the charges. A dean's appellate decision can be appealed further to the Academic Standards and Advising Committee, which will consider the appeal only on the basis of procedural irregularities. Any new data or evidence that becomes available will return the case to the student's college dean.
  - B. In cases where the student's college dean is the primary respondent, or in cases where the student's college dean imposes a significant further penalty beyond that imposed by the course instructor, appeals of the dean's decision must be made in writing and in a timely fashion (as defined in 4 A.) directly to the

Academic Standards and Advising Committee. The chair of that committee will respond normally within two weeks by scheduling a hearing to afford the student an opportunity to explain or reply to the charges. In such a case that committee will hear substantive as well as procedural complaints. In any such case the representative of the student's college dean to the Academic Standards and Advising Committee will be excused from the committee's deliberations.

*As approved by the Faculty Senate  
February 25, 1991*

#### **09.8 Reporting**

It shall be the responsibility of the student's college dean to report to the Academic Standards and Advising Committee all actions and all appeals from students resulting from cheating cases.

**Note:** Cases involving graduate students are referred to the Associate Dean of the Graduate School. Appeals of the Associate Dean's decision can be made to the Dean of the Graduate School who may, at his/her discretion, refer the case to the Graduate Council for review. Students who are dismissed by the Associate Dean and wish to appeal that decision should follow the procedures for graduate students dismissed for academic reasons.

# Administrative Policies and Regulations

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## **10 Affirmative Action Policies**

### **10.1 Nondiscrimination Policy**

The University of New Hampshire is a public institution with a long-standing commitment to equal opportunity for all. The University does not discriminate on the basis of race, color, religion, sex, age, national origin, sexual orientation, disability, veterans 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, Mass. 02110-4557, Telephone: (617) 223-9662 Voice, (617) 223-9669 Fax, (617) 223-9695 TDD. The Special Assistant is the Title IX Coordinator for UNH.

The time limitations for filing a complaint are: with UNH, one year; OCR, 180 days from the date of the act of discrimination or harassment.

### **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. 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's status, marital status, or sexual orientation, 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