

Student Rights and Code of Conduct

➤ General Student Rights

➤ Freedom of Expression and Assembly

➤ Conduct Rules and Regulations

➤ Conduct Code Procedures

➤ Interpretation and Revision

➤ Harassment Policy

Harassment (including Sexual Harassment)

Students and other members of the University community have the right to surroundings free of conduct that unreasonably interferes, hinders, or otherwise denies another person a suitable educational or workplace environment. Therefore, students and other members of the University community may not engage in conduct that constitutes harassment, including sexual harassment, as described below.

Harassment in the Educational Environment

In the educational environment, for conduct to constitute harassment under this policy, it must include more than the mere expression of views, words, symbols, or thoughts that another person finds offensive. The conduct must be: (1) unwelcome; (2) discriminatory on the basis of race, color, religion, sex, national origin, sexual orientation, age, disability, genetic information, veteran's status, or other protected class under federal or state law; (3) directed at an individual; and (4) so severe, pervasive, and objectively offensive (i.e., it would be offensive to a reasonable person in the victim's position, considering all of the circumstances), and so undermine and detract from the victim's educational experience, that the victim is effectively denied equal access to the University's resources and opportunities. This type of harassment is traditionally referred to as "hostile environment" harassment.

Unwelcome conduct of a sexual nature (i.e., sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature) that is so severe, pervasive, and objectively offensive as to violate this policy (as described above) constitutes sexual harassment. Sexual harassment in this context is a form of hostile environment harassment. When a faculty or staff member, however, conditions an educational decision or benefit on a student's submission to unwelcome conduct of a sexual nature, the sexual harassment is traditionally referred to as "quid pro quo" harassment. Students are not generally given responsibility over other students and, thus, generally cannot engage in quid pro quo harassment.

Students who believe that they have been the victim of harassment, including sexual harassment, should contact the Title IX Coordinator or the Director of Human Resources.

Harassment in the Workplace Environment

The legal standards for harassment, including sexual harassment, in the workplace environment are different than in the educational environment. This is because students and faculty in the educational environment have robust speech rights, including the right to freely examine, exchange, and debate diverse ideas, both inside and outside of the classroom. The same is not necessarily the case in the workplace environment, where employees are subject to their employers' reasonable restrictions.

The University's policies regarding harassment, including sexual harassment, in the workplace environment are available in the Online Policy Manual (OLPM) at PSU.V.B.4. These policies apply not only to faculty and staff, but also to students employed by the University. Student employees may not engage in conduct that constitutes workplace harassment, including sexual harassment.

Student employees who believe that they have been the victim of workplace harassment, including sexual harassment, should contact the Title IX Coordinator or the Director of Human Resources. Please note that faculty and staff, as part of their job requirements, are responsible for

preventing, reporting, and eliminating discrimination and harassment in their respective departments and work areas, and must act upon any information received that relates to potential discrimination or harassment. See OLPM PSU.V.B.4.6.

See, generally, *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1998); US Department of Justice, Office of Civil Rights, “Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties,” January 2001; and US Department of Justice, Office of Civil Rights, “Dear Colleague” Letter, July 28, 2003.

➔ **Bias Incidents**

➔ **Sexual Misconduct Policy and Conduct Process**

➔ **Alcohol, Marijuana and Other Drugs**

➔ **Counseling, Treatment, Rehabilitation and Educational Programs**

➔ **Fire Safety, Prevention, and Evacuation**

➔ **Amnesty Policy**

➔ **Student Conduct Records**

➔ **Definitions**

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Policies and Guidelines Privacy Policy

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Plymouth State University

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