

# 10 CIVIL RIGHTS POLICIES

## 10.1 Nondiscrimination Policy

The University of New Hampshire (UNH) seeks excellence through diversity among its administrators, faculty, staff and students. We are committed to enhancing and sustaining an educational community that is inclusive and equitable, and cherish these values as being inextricably linked to our core mission. We are a public institution with a long-standing commitment to equal employment and educational opportunity for all qualified persons. The University does not discriminate on the basis of race, color, ethnicity, religion, sex, age, national origin, sexual orientation, gender identity or expression, disability, veteran 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:

UNH Director of Civil Rights & Equity and Title IX Coordinator  
105 Main St., Thompson Hall 305  
Durham, NH 03824  
Telephone: (603) 862-2930 Voice / (603) 862-1527 TTY / 7-1-1 Relay NH  
Fax: (603) 862-2936

or to:

Boston Office  
Office for Civil Rights (OCR)  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: (617) 289-0111  
TDD: (800) 877-8339  
Fax: (617) 289-0150  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

NH Commission for Human Rights (NHCHR)  
2 Industrial Park Drive  
Concord, NH 03301  
Telephone: (603) 271-2767  
Fax: (603) 271-6339  
Email: [humanrights@nh.gov](mailto:humanrights@nh.gov)

U.S. Department of Justice (DOJ)  
Civil Rights Division  
950 Pennsylvania Avenue, NW  
Washington DC 20530-0001  
Telephone: (202) 514-4609  
TTY: (202) 514-0716  
Email: [askdoj@usdoj.gov](mailto:askdoj@usdoj.gov)

The Director of Civil Rights & Equity is the Title IX Coordinator for UNH. The time limitations for filing a complaint are:

- with **UNH**, within one year of the incident (excepting claims under Title IX and subject to extension);
- with **OCR**, complaints of discrimination must ordinarily be filed within 180 days of the last act of discrimination. If your complaint involves matters that occurred longer ago than this and you are requesting a waiver, you will be asked why you did not file your complaint within the 180-day period;
- with **NHCHR**, a charge **must** be filed within 180 days of the last date of discrimination. (Under certain circumstances a charge may be

filed up to 300 days from the date of alleged discrimination. If you are beyond 180 days, contact the Commission immediately to find out if you have the basis to file a timely charge.)

- With **DOJ**, please contact them directly for information.

## 10.2 Policy on Discrimination and Discriminatory Harassment, including 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. Discrimination and 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 has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive environment.

Verbal or physical conduct directed at the complainant's race, color, ethnicity, religion, age, sex, national origin, disability, veteran status, marital status, sexual orientation, or gender identity or expression, 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 may not constitute

discriminatory harassment. However, isolated or sporadic acts that are severe may. It is possible for a series of individual incidents, each minor in itself, to have the cumulative effect of becoming pervasively harassing behavior.

Factors to be weighed in the determination of discriminatory harassment include conduct on the basis of a protected category that purposefully places or threatens to place another in fear of imminent bodily injury, and threats to commit any crime against a person with a purpose to terrorize.

Unreasonable interference with an individual's participation in university life may be signified by responses such as: avoiding areas of the campus where the behavior in question typically takes place, academic performance or work assignments becoming more difficult because of the behavior in question, or leaving the university because of the behavior in question.

In determining whether discriminatory harassment exists, the University will evaluate the evidence from the standpoint of a reasonable person's reaction and perspective under the circumstances presented. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard.

Every instance of alleged discriminatory harassment must be considered in the context of its specific and unique circumstances. However, the following are examples of behaviors that may be judged to be harassing and based on protected category: directing racial epithets at an individual; hanging a noose in an African-American's work place or dormitory; painting a Nazi swastika on the door of a Jewish individual; repeatedly sending unwelcome, sexually-explicit email messages; taunting others about their sexual orientation, disability, or religion; making unwelcome sexual propositions; telling derogatory gender-based or ethnic-based jokes; displaying sexually suggestive objects or pictures in the workplace except as those items may be part of legitimate pedagogical pursuits; giving unwelcome hugs or repeatedly brushing or touching others.

If students believe that they have been harassed, they should take steps to resolve the matter. Those steps may begin with direct, voluntary communication with the person engaging in the behavior in question, in an attempt to resolve the issue. Should the complainant not wish to contact the accused directly, the complainant has the right and is encouraged to pursue procedures that result in an administrative resolution or judgment. Any University community member may contact the Director of Civil Rights & Equity and Title IX Coordinator with a discriminatory harassment complaint, including sexual harassment. Alternatively, members of the community may choose to contact any one of the persons listed below, who will serve as a liaison to the Director. Students with complaints against other students may file a complaint with either Community Standards or the Civil Rights & Equity Office. Complaints against faculty or staff are handled by the Civil Rights & Equity Office.

Students may find it helpful to contact one of the following depending upon personal circumstances and student status:

- Staff in the Sexual Harassment and Rape Prevention Program (SHARPP) act as confidential support advocates for students reporting that they experienced sexual harassment or interpersonal violence.
- The Assistant Dean for Student Success and Deputy Title IX Coordinator at UNH-Manchester will advise UNH-M students wishing to make a harassment complaint against any member of the UNH community.

- The Assistant Dean of Student Affairs and Deputy Title IX Coordinator at the UNH Franklin Pierce School of Law will advise any law student wishing to make a harassment complaint against any member of the UNH community.
- The Dean and the Associate Dean of the Graduate School will advise graduate students wishing to make a harassment complaint against any member of the UNH community.
- The Director of The Beauregard Center will advise any student wishing to make a harassment complaint against any member of the UNH community.
- The Chief Diversity Officer will advise any community member wishing to make a harassment or sexual harassment complaint against any other member of the UNH community.

Reprisals or retaliation against any person bringing a complaint through this process will not be tolerated, no matter whether the complaint is ultimately judged to be consistent with the criteria determining discriminatory harassment or inconsistent with the criteria determining discriminatory harassment. The university will pursue administrative action against those found to have retaliated against any individual participating in the complaint process. Also, the bringing of capricious or reckless complaints will not be tolerated.

The Discrimination and Discriminatory Harassment Policy identifies

1. protected categories,
2. clarifies the process for addressing certain complaints against university employees, and
3. incorporates various updated legal requirements.

## 10.3 UNH Policy on Nonsexist Language

On July 13, 1984, the University of New Hampshire issued the following bylaw entitled Policy on Nonsexist Language which reads:

The University of New Hampshire, as an equal opportunity educational institution, is committed to both academic freedom and the fair treatment of all individuals. It, therefore, discourages the use of language and illustrations that reinforce inappropriate and demeaning attitudes, assumptions, and stereotypes about sex roles. Accordingly, all official University communications, whether delivered orally or in writing, shall be free of sexist language.

Compliance with this policy shall be the responsibility of appropriate supervisory personnel. Concerns or questions regarding the implementation of this policy can be directed to the Director of Civil Rights & Equity Office and Title IX Coordinator at (603) 862-2930 Voice / (603) 862-1527 TTY. Copies of this policy and suggested guidelines for the use of nonsexist language will be available from the Civil Rights & Equity Office and the President's Commission on the Status of Women at (603) 862-1058.

Relay NH: 800-735-2964

<sup>1</sup> All references to the online policy manual (ex: BOT IV F 11.1) can be accessed at <http://usnholpm.unh.edu>.