

ARTICLE III: PROHIBITED CONDUCT

The following list describes actions that detract from the effectiveness of the university community and are prohibited but do not include constitutionally protected activity, nor is this section meant to curb, impede, or chill speech that is protected by law.

1. **Academic Misconduct.** Any action that misrepresents a student's work, knowledge, or achievement, provides a potential or actual inequitable advantage, or compromises the integrity of the educational process as described in the Academic Honesty Policy found in the Academic Policies section of this handbook.
2. **Alcohol.** The acquisition, distribution, possession, or consumption of alcohol must be in compliance with all local, state, and federal laws and university policy. Institutional restrictions on alcohol while on UNH property vary by location and in some cases by time.
 - a. Possession or consumption of alcohol while under the legal age
 - b. Engaging in any behavior which encourages, facilitates, or constitutes excessive or rapid alcohol consumption including, but not limited to keg stands, alcohol luges, beer bong, beer/water pong, and other drinking games
 - c. Public intoxication or engaging in any behavior while under the influence that may endanger oneself or others regardless of age
 - d. Unauthorized or unlawful distribution, sale, or service of alcohol, regardless of age, except as expressly permitted by law and university policy
 - e. Permitting any underage individual or group to possess or consume alcohol or where alcohol is dispensed from common sources in a space owned, occupied, or controlled by the host
 - f. Unauthorized or unlawful possession or consumption of alcohol in open spaces, university buildings, common areas of university residential halls and apartment complexes, or in public except as expressly permitted by law and university policy
 - g. Control or operation of a vehicle while under the influence or impaired by alcohol
3. **Complicity.** Actively encouraging or assisting another student to engage in prohibited conduct, failing to advise another to cease behavior that constitutes prohibited conduct and leaving immediately thereafter, or failing to report violations to a university official or law enforcement officer.
4. **Damage and Destruction to Property.** Engaging in the intentional, reckless, or unauthorized defacement, damage, or destruction of university property or the property of another, including all acts of vandalism.
5. **Disorderly Conduct**
 - a. Engaging in behavior that will disturb, alarm, anger, or provoke others or constitutes a breach of the peace including, substantially obstructing, or interfering with the lawful exercise of freedom of speech or freedom of peaceable assembly or engaging in public fighting.
 - b. **Lewd or Obscene Behavior.** Indecent conduct including public display of intimate body parts, public sexual acts or public urination or defecation.
6. **Disruptive Behavior**
 - a. **Disruption to the Academic Environment.** Any conduct that substantially threatens or interferes with the maintenance of appropriate order and discipline in the operation of the University. Without excluding other situations, examples include shouting, noise-making, obstruction, and other disruptive actions designed or intended to interfere with or prevent meetings, assemblies, classes, or other scheduled or routine university operations or activities.
 - b. **Disruption to Community.** Intentionally causing or recklessly creating a risk of disruption to the university community or local community, including, but not limited to, violent or threatening behavior, unreasonably loud or belligerent behavior or obstruction of vehicular or pedestrian traffic.
7. **Drugs and Other Substances.** Possession, consumption, manufacturing, or distribution of narcotic or other controlled substances except as expressly permitted by law.
 - a. Unauthorized or unlawful possession or consumption of narcotics or other controlled substances
 - b. Unauthorized or unlawful distribution, manufacture, or sale of narcotics or other controlled substances
 - c. Possession or use of drug paraphernalia
 - d. Permitting any individual or group to possess or consume narcotics or other controlled substances or where said substances are dispensed from common sources in a space owned, occupied, or controlled by the host, except as expressly permitted by law
 - e. Control or operation of a vehicle while impaired by drugs or other substances
 - f. Being impaired by drugs or other substances in public to the point where one's behavior adversely affects or could affect, the regular operations of members of the university community
8. **Harm and Endangerment**
 - a. **Physical Assault.** Unwelcome physical contact or actions that are intentional or reckless and can be reasonably expected to result in harm or injury
 - b. **Endangerment.** Reckless disregard for the health or safety of any person
 - c. **Harassment.** Unwelcome conduct that is so severe, pervasive or persistent, that it interferes with, denies, or limits a student's ability to participate in or benefit from educational or employment opportunities, privileges, or status at the University. Harassment may occur via written, electronic, verbal, or any other form of communication; or through physical presence; and includes, but is not limited to, bullying, cyberbullying, intimidation, or coercion, except where a different legal standard applies under 34 CFR§106 or the University's Discrimination and Discriminatory Harassment Policy
 - d. **Threat.** Any verbal threat or physically threatening behavior that would cause a reasonable person to fear for their safety
9. **Misrepresentation**
 - a. Furnishing false information to any university official, faculty member, office, or law enforcement officer, or purposefully omitting facts that are material to the purpose for which the information is provided
 - b. Forgery, alteration, or misuse of any university document, record, or instrument of identification

- c. Manufacturing, distributing, delivering, selling, providing, purchasing, using, or possessing any form of fraudulent identification

10. Noncompliance

- a. Failure to comply with the reasonable directives, verbal or written, of university officials, student staff or law enforcement officers acting in performance of their duties, including failure to identify one-self when requested to do so
- b. Failure to comply with or complete assigned conduct sanctions or mandated educational interventions
- c. Violation of terms of any interim action or exclusionary order imposed by the University including no contact directives, no-trespass notices, building, or campus ban or restriction, removal from university housing, interim suspension, or emergency removal
- d. Violation of terms stipulated with disciplinary probation, university housing probation, or deferred university suspension status

11. Obstruction with the University Conduct System

- a. Failure to cooperate or respond to any notice from a university official who has responsibility for any aspect of the conduct system
- b. Falsification, distortion, misleading, or misrepresentation of information before a disciplinary body
- c. Deliberate disruption or interference with the orderly conduct of an investigation or disciplinary proceeding
- d. Destroying or withholding information related to a potential or actual Code of Conduct violation
- e. Attempting to discourage an individual's proper participation in or use of the conduct system
- f. Attempting to influence the impartiality of a university official prior to, during the course of, or after a disciplinary proceeding
- g. Reporting a student for disciplinary action without cause or deliberate false accusations, as opposed to allegations which, even if erroneous, are made in good faith

12. Relationship Abuse. A pattern of emotional, sexual, physical, or financial abusive or coercive behaviors, which could include threats, isolation, and/or intimidation, by a former or current intimate partner.

- a. **Dating Violence.** Violence (actual physical injury to another) or threat to cause violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the people involved in the relationship.
- b. **Domestic Violence.** An act of violence (actual or an attempt to cause physical injury to another) or threat to cause violence to another, committed by spouses, ex-spouses, other intimate partners, parents, other relatives, persons cohabiting with each other, and persons who cohabited with each other but who no longer share the same residence.

13. Retaliation. Any intentional adverse action or threatened action against a community member who makes an allegation, files a report, serves as a witness, assists a Complainant or Respondent, or participates in any university investigation or disciplinary proceeding. Retaliation is an independent violation of policy and may be

present even when the underlying report of prohibited conduct is unsubstantiated.

14. Sexual Misconduct

- a. **Sexual Harassment.** Complaints of sexual misconduct that constitute sexual harassment as defined under 34 CFR§106, eff. Aug. 14, 2020.
 - i. All other complaints of sexual misconduct, as defined in this Student Code of Conduct, may take the form of:
- b. **Sexual Assault.** Any sexual penetration without seeking and receiving expressed consent; penetration accompanied by threat, force, unwelcome manipulation, intimidation, blackmail, as a substitute for expressed consent; or penetration when a person is incapacitated due to a mental and/or physical disability, and/or is asleep, and/or substance ingestion. Substances can include legal or illegal drugs and alcohol or any combination of the two.
- c. **Unwanted Sexual Contact.** Any sexual contact that can be reasonably construed as being for the purpose of sexual arousal or gratification, or the humiliation of the person being touched, without seeking and receiving expressed consent; sexual contact accompanied by threat, force, unwelcome manipulation, intimidation, blackmail, as a substitute for expressed consent, or sexual contact when a person is incapacitated due to a mental and/or physical disability, and/or is asleep, and/or substance ingestion. Substances can include legal or illegal drugs and alcohol or any combination of the two.
- d. **Sexual Exploitation.** Knowingly using any device for the purpose of observing, recording, or streaming without the other person's knowledge, or in any way transmitting images, videos, or sounds of the private body parts of a person or their sexual activity without the other person's consent.

15. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition, (i.) course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (ii.) "Reasonable person", as hypothetical or an idea, meaning under similar circumstances and with similar identities to the victim. (iii.) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

16. Theft. Unlawful or unauthorized use or possession of property or services of the University, any person or entity; attempted theft may be enough to constitute a violation.

17. Unauthorized Access and Use

- a. **Unauthorized Entry.** Misuse of access privileges or unauthorized access or entry to any university premises
- b. **Unauthorized Keys.** Unauthorized possession, duplication, or use of keys, codes, or access cards, including student IDs and other forms of identification, for any university premises.

18. Violation of Law. Behavior that would constitute a violation of any federal, state, and/or local law; city or county ordinance.

19. Violation of Privacy. Unauthorized surveillance by use of any device for the purpose of observing, recording, streaming, or in any way

transmitting images, videos, or sounds, without the other person's knowledge or consent, in a place where they would have a reasonable expectation of privacy.

20. **Violation of University Policy.** Behavior that would constitute a violation of any approved University of New Hampshire policy, rule, or regulation, including but not limited to:
 - a. Acceptable Use Policy for Information Technology Resources
 - b. Discrimination and Discriminatory Harassment Policy
 - c. Fire Safety Regulations
 - d. Student Organizations Policy
 - e. University Housing Rules and Regulations
 - f. University of New Hampshire Hazing Policy
21. **Violations Committed by Guests.** All UNH students are responsible for informing and holding their guests to the University's standards of behavior and will be held accountable when their guests violate policies outlined in this Code, though not informing the guest of the rules does not absolve the student of responsibility. For the purpose of this policy, someone is considered a student's guest if (i.) the person is in a student's room or apartment (whether or not invited by that student); (ii.) the student invited the person to the student's residence hall or apartment building; or (iii.) the student invited the person to campus.
22. **Weapons.** Unauthorized possession, use, distribution, or display of any firearm, replica firearm, ammunition, weapon, replica weapon, explosives, fireworks, dangerous chemicals, or other weapons defined as any object or substance designed to inflict a wound, threaten injury, cause injury, or incapacitate unless expressly permitted by law and/or university policy. Possession of chemical defensive sprays is permitted; however, use of such an item, even if legally possessed, in a manner that harms or threatens others is prohibited unless it is being used defensively.