

# 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 free speech or expression that is protected by law and adheres to reasonable time, place and manner guidelines. #Any examples of prohibited conduct are illustrative and should not be read as a comprehensive list.

1. **Academic Misconduct.** #Any action that misrepresents a student's work, knowledge, or achievement and provides a potential or actual inequitable advantage or compromises the integrity of the educational process as described in the Academic Integrity Policy.
2. **Alcohol.** #The acquisition, distribution, possession, or consumption of alcohol must be in compliance with all local, state, and federal laws and university policy including the Alcohol 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 bongs, borgs, 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 or personal motorized transportation device 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 includes 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 routine university operations or educational 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 and/or university policy. #The legal status of cannabis is changing in many states and in other parts of New Hampshire, but the University of New Hampshire prohibits the possession and use of cannabis and cannabis-products.
  - 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. Misuse of prescribed medication.
  - d. Possession or use of drug paraphernalia.
  - e. 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.
  - f. Control or operation of a vehicle or personal motorized transportation device while under the influence or impaired by drugs or other substances.
  - g. Being impaired by drugs or other controlled 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. **Fire Safety.** #Behaviors that cause a fire or fire hazard as described in the Fire Safety Policy.
9. **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.
10. **Misrepresentation.**

- a. Furnishing false information to any university official, faculty member, office, or law enforcement officer.
  - b. Purposefully omitting facts that are material to the purpose for which the information is provided.
  - c. Forgery, alteration, or misuse of any university document, record, or instrument of identification.
  - d. Manufacturing, distributing, delivering, selling, providing, purchasing, using, or possessing any form of fraudulent identification.
11. **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 oneself.
  - 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 or university suspension status.
12. **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 or policy 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.
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 and Sexual Exploitation.**#Sexual Harassment, Sexual Assault, Unwanted Sexual Contact, Sexual Exploitation, Domestic Violence, Dating Violence, and Stalking as defined in [Article VI: Sexual Misconduct and Sexual Exploitation](#) of the Student Code of Conduct.
15. **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.
16. **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.
17. **Violation of Law.**#Any act or behavior that could be cited or would constitute a violation of any federal, state or local law; city or county ordinance whether or not charges are brought by civil authorities.
18. **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.
19. **Violation of University Policy.**#Any act or behavior that would constitute a violation of an approved University of New Hampshire policy, rule, or regulation.
20. **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, a person is considered a guest if the person is in a student's room or apartment, whether or not invited by that student; the student invited the person to the student's residence hall or apartment building; or the student invited the person to campus.
21. **Weapons.**#Unauthorized possession, use, distribution, or display of any firearm, replica firearm, ammunition, replica weapon, electroshock device (e.g., tasers), 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.