

# ARTICLE II: AUTHORITY, SCOPE AND JURISDICTION

## Authority

Designated by the Vice President of Student Life, the Director of Community Standards is the University's Chief Student Conduct Officer and Sanctioning Authority. The Director ensures proper investigation and adjudication of alleged misconduct, resolution of conflicts and disputes and directs the overall administration of the university-wide conduct system.

The fundamental role of the Director is to ensure that student matters are handled equitably and objectivity for all parties concerned, consistent with the educational and rehabilitative goals of the University's student conduct system. Nothing in this Code shall prohibit the Director from serving as the Chairperson for disciplinary proceedings or acting as a Hearing or Appellate Officer in the absence of another body to ensure an expedient resolution occurs.

In addition, the Director is appointed to:

- Establish standards of behavior and develop policies to ensure student rights and responsibilities of community membership are protected.
- Create area disciplinary systems, forums and procedural rules that globally cooperate with the university-wide conduct system.
- Establish sanctioning guidelines for unit-specific and area disciplinary systems to be used as an advisory tool and for assurance of evenhandedness.
- Discretionarily investigate or appoint an independent investigator to find additional facts to assist in the prompt, fair, and accurate resolution of any alleged prohibited conduct.
- Consult with an independent investigator, hearing participants, and hearing or appellate body, regarding the procedures required by this Code and controlling law, including ruling on evidentiary and legal questions as needed.
- Preserve the impartiality and fairness of the processes undertaken under this Code, respecting the interests of Complainants, Witnesses, Respondents, hearing personnel, and the importance of the conduct process to the educational mission of the University.
- Select qualified people to serve and participate on Hearing Panels. Persons selected shall receive annual training and ongoing education to undertake careful, fair, and objective reviews of disciplinary matters consistent with the goals of the university-wide student conduct system.

## Periodic Review and Revision

Typically, the Code of Conduct is reviewed and updated annually. To assure effectiveness and compliance with federal, state, and local laws, orders of the court or other governmental authority, the Director may revise the Code of Conduct outside of the normal review and revision periods. The Dean of Students oversees and directs the approval process for changes in student policies and regulations.

## Interpretation and Enforcement

Proceedings under this Code are administrative and educational in nature and purpose, focused on growth, rehabilitation and accountability. University proceedings foster a non-adversarial environment and do not

constitute a legal process, nor are they intended to resemble one. Formal rules of civil procedure and technical rules of evidence do not apply to these proceedings, though principles of fairness and predictability inherent in such rules inform and provide guidance.

- The university conduct system is separate and independent of any criminal or civil proceeding. If a student is undergoing civil or criminal action for the same behavior which forms the basis of prohibited conduct, the University may pursue action concurrently.
- The University is not obligated to suspend the conduct process until the conclusion of any related criminal or civil proceedings. The Director may temporarily delay the conduct process while criminal or civil proceedings are pending; however, any delay will be short in time and interim action may be taken immediately.
- To the extent possible, the University will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

## Jurisdiction and Scope

With some limitations, the Code's policies, obligations, responsibilities, privileges, rights and protections pertaining therein affect students and recognized student organizations as defined in this document.

The Code's jurisdiction generally applies to behavior that occurs on any campus or property owned, controlled or leased by the University of New Hampshire; in any education program or curricular or cocurricular activity in which the University exercises substantial control; or off-campus behavior that adversely affects the University and its pursuit to advance the mission.

Where a report or complaint involves more than one UNH campus, the campus with primary disciplinary authority over the respondent shall be responsible to investigate the matter pursuant to the applicable grievance process and procedures. However, depending on the nature and severity of a report or complaint, the Director may retain responsibility to investigate the matter.

**Student** – A term that refers to any individual who is or has been in attendance at the University of New Hampshire pursuing associate, undergraduate, graduate, or professional degree bearing programs, under any instructional modality and for whom the University maintains education records.

1. Official membership at the University of New Hampshire is conferred upon the first day of the semester or first term for which a student was admitted; early matriculants attending summer term courses for credit but prior to the first day of the semester or term for which they were admitted; or a combination of acceptable demonstrations such as class registration, participation in an orientation program or university-sponsored activity, assessment and placement or proficiency examinations, the first day residing in a university-housing facility or otherwise entered into another agreement with the university to take instruction.
2. Individuals who are not officially enrolled for the current semester or term but maintain a continuing educational relationship or otherwise have a reasonable expectation of resuming progress on the degree, including students on a temporary suspension or exclusionary status, leave of absence, academic suspension, or disciplinary separation from the University for a fixed period of time (suspension).
3. Graduate student admission to degree candidacy for individuals who have partially or fully completed required coursework and

successfully passed their qualifying exams but are still engaged in the final research phase of the degree program.

4. Student status ends and all attendant privileges are terminated upon withdrawal from the institution, discontinuation after exceeding the maximum number of consecutive semesters without progress on the degree, academic dismissal, disciplinary separation from the University for an indefinite period of time (expulsion), or when the individual graduates.

*With some exceptions, application of the Code's jurisdictional scope does not cover the following:*

- Individuals who petition to receive special student classification and are approved to enroll on a full-time basis without entering a degree program.
- Individuals solely registered as an auditor to observe course content and participate in learning activities but for which the learner is not seeking to obtain a grade or credit hours earned for the course, nor otherwise enrolled in a degree-seeking program.
- Individuals participating in lifelong learning, continuing education, or micro-credential programs, not for academic credit.
- Individuals who are taking classes for academic credit but have not been admitted to a degree, diploma, or professional certification program or solely with the intention to transfer credits to another accredited university or college.
- Individuals dually enrolled in secondary education or foreign equivalent attending classes on a for academic credit basis but have not been admitted to the University.
- Visiting or transient students who are enrolled and maintain an ongoing affiliation with another post-secondary institution, invited to conduct research under the supervision of a specific instructor on a short-term basis and sponsored by a department or college.
- Former students and alumni.

**Recognized Student Organization** – A term that refers to a group whose primary membership consists of students currently enrolled at the University of New Hampshire; controlled and directed by students; formed in order to contribute to students' personal development; and which has complied with all registration requirements for the purpose of obtaining university-wide recognition and official identification as an affiliated group.

## Professional Standards and Unique Programs

Resolution procedures may be tailored for Graduate Programs, specific non-degree or other specialized programs that do not require formal admission to the University or follow traditional class registration.

Some professions and disciplines are governed by standards specific to their program of study. Those professional standards generally advance the quality of the profession or discipline by developing codes of ethics, conduct, and professional responsibility and standards to guide their members. Those belonging to such organizations are expected to adhere to this Code of Conduct, all university policies and any professional standards determined by their program or academic college.