

ARTICLE I: TERMS AND DEFINITIONS

Aggravating Factor –#Circumstances or facts that increase the level of severity and may increase the sanction. Examples may include abuse of trust or duty, premeditation, use of force or a weapon, recidivism, substantial harm to another or the community, or lack of genuine remorse.

Appellate Body –#An Officer authorized to consider the merits of an appellant's petition of a disciplinary outcome, based exclusively on one or more of the established grounds outlined in this Code.

Burden of Proof – The obligation of the University to gather evidence to sufficiently establish whether the University's policies have been violated.

Bystander – An individual who has a first-hand account of the alleged behavior and who tried to intervene to stop the alleged behavior.

Complainant –#Any student who experienced or was subject to alleged misconduct as described in this Code. When there is no student, Complainant generally means the University.

Complaint – A written request for the institution to initiate its formal investigation and adjudication processes.

Conduct Advisor – A person who serves as a support person and ensures that a student can freely access and fully participate in university disciplinary proceedings by helping the involved party maneuver a technically complicated and emotionally challenging process in an informed way. Typically, the Conduct Advisor will assist in all stages of the conduct process and may accompany the party to meetings, interviews, and hearings; however, the role of the Conduct Advisor is non-participatory in nature and limited to support and consultation. The Conduct Advisor does not represent students or serve as legal counsel.

Conduct Conference –#A forum to resolve cases of alleged non-academic prohibited conduct where sanctions are not likely to rise above University Disciplinary Probation.

Conduct Officer – A trained university official, subject to the provisions in this Code, who is vested with the authority to, among other duties, investigate alleged prohibited conduct, determine the appropriate resolution, and impose sanctions up to University Disciplinary Probation or affect other remedies as appropriate.

Director of Community Standards – The University's Chief Student Conduct Officer and Sanctioning Authority, with responsibility for the overall coordination and administration of the university-wide and area disciplinary systems on the Durham, Manchester, Concord, and online campuses. The Director leads the development and shapes policies, procedures, education, and training programs that affect student discipline. As used in this document, "Director of Community Standards" or "Director" includes the Director's designee.

Disclosure – A personal experience of harm expressed to a non-confidential resource.

Evidence – Available body of information, including testimony, witnesses, and documentation, directly related to the allegations to support a claim or belief, to prove or disprove a fact or which supports the application of charges in a university disciplinary proceeding in making judgments or decisions.

Instructor of Record – A UNH employee and member of the faculty who has overall responsibility for the development and implementation of the course syllabus, the day-to-day delivery of course activities, for ensuring that course learning outcomes are covered and assessed, and for the issuing of grades.

Guidelines – General, non-mandatory recommendations or configurations that provide helpful information to achieve a particular aim and streamline processes for a particular category or area of control. Guidelines may include administrative instructions, guidance, or a framework in which to operate.#n various situations or under particular circumstances, guidelines help stakeholders act in alignment with the university, individual school, or department's values.

Hearing Body – An individual Officer or Panel,#subject to the provisions in this Code, who is vested with the authority to, among other duties, review alleged prohibited conduct, make findings of responsibility, and impose#sanctions#up to University Expulsion or affect other remedies as appropriate.

Hearing Chairperson – The primary role of the Chair is to ensure a fair and expedient hearing, evaluate all evidence for relevance, facilitate questioning, rule on questions, ensure advisors observe appropriate decorum and serve as gatekeeper by making final decisions on all procedural issues. The Chair will also provide guidance, advise the Hearing Body, and participate in deliberations as needed.

Mitigating Factor –#Circumstances and facts that may be taken into consideration to support leniency or lessen the sanction. Examples of mitigating factors may include no prior misconduct, accident, provocation, self-defense, or genuine contrition or remorse.

Observer –#Observers are other faculty, staff, or students, approved by the Director, who may be present during a hearing for educational and training purposes. Observers are usually new panelists who are attending as a part of their training and continuing education process. Observers do not participate in any way and are allowed admission to the hearing with the consent of the students engaged in the process.

Preponderance of Evidence – The University's evidentiary standard when, considered as a whole, it is more likely than not that the alleged behavior did violate the Code of Conduct or university policy.

Procedures – A description of the operational processes necessary to facilitate implementation of an established policy. Procedures are specific, prescribe workflow, operational steps, actions, or constraints. Procedural documents may be subject to changes in staffing or organizational structure. Procedures may also provide guidance for behavior on issues that are not dictated by a policy.

Disciplinary Proceeding – Broadly defined as all activities related to a non-criminal resolution of a student complaint or report including, but not limited to, fact-finding investigations, formal or informal meetings, and forums for adjudication.

Regulations –The minimum acceptable limits or rules, (sometimes referred to as standards) used to achieve implementation of an existing policy. Regulations are subordinate to policies. Authority can be designated to an area or unit for their own management and governance.

Respondent – Any student or student organization accused of violating this Code and engaged in the conduct process.

Report – Any information that indicates an alleged incident of prohibited conduct as defined by the Code of Conduct.

Student Policy – Any policy which directly affects student lives or provides direction for the intended audience at the university and is non-academic in nature.

Threat – To express one's intention to physically harm or kill another person, or to take hostile action against another person or their property in a manner that would make a reasonable person fear for their safety.

University of New Hampshire – As used in this document, "UNH" or "the University" includes the College of Professional Studies¹ and Franklin Pierce School of Law component campuses.

University Community Member –#All individuals who have a relationship with or to the University either as a qualified student or an employee acting on behalf of the university and performing assigned responsibilities.

University Hearing – A mechanism for resolving allegations of academic and non-academic prohibited conduct when outcomes could reasonably result in University Housing Removal, University Suspension, or University Expulsion.

University Policy – A written statement that states an institutional position and establishes key expectations, requirements, and standards by which the institution manages its affairs. This written statement specifies or prohibits conduct that enhances the University's mission, ensures coordinated compliance with applicable laws and regulations, promotes effectiveness and operational efficiency, and reduces institutional risk.

University Premises –#All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by UNH, including adjacent streets and sidewalks.

Witness –#A person who has relevant, direct, first-hand knowledge of an incident related to an alleged violation of this Code.

¹ College of Professional Studies acknowledges the 2023 institutional merger between Granite State College and UNH - Manchester.