

# UNIVERSITY OF NEW HAMPSHIRE

## Bias Response Protocol

### INTRODUCTION

In a letter dated March 1, 2006, Provost Bruce Mallory and Vice President for Student and Academic Services Mark Rubinstein requested that a Bias Response Protocol be organized. Specifically, the charge is to define severity levels of bias incidents (including hate crimes) that should guide communication decisions to stakeholder groups and the University community at large. They asked that "consideration...be given to the importance of maintaining a sense of perspective on...incidents, according each its proper weight and notification necessary." This document outlines a campus-wide protocol and notification system. This is not meant to override the responsibilities of offices such as Community Standards, Residential Life, Housing, Memorial Union Building (MUB), UNH Police, or Civil Rights & Equity Office to respond to incidents reported to them. It will, however, complement the work of these offices and fill in a gap in response that currently exists for incidents that occur outside the MUB and campus residences.

### VISION

Every community member should be aware of our collective commitment to maintaining a safe and welcoming environment through periodic public reports on the outcomes of reports of acts of bias. In its Statement of Nondiscrimination, the University makes clear that it does not discriminate against persons because of their race, color, religion, sex, age, national origin, sexual orientation, gender identity or expression, disability, veteran status, or marital status. Furthermore, the [Discrimination and Discriminatory Harassment Policy](#) states that "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." And finally, the [UNH Code of Conduct](#) is to protect the "university's educational mission of teaching, research, and public service, as well as to promote every student's academic achievement and personal development." This vision is aligned with the university's [Four Strategic Priorities](#).

### PURPOSE

The Bias Response Protocol provides an organized response to bias incidents (including hate crimes) when they occur, and a mechanism to inform the person or group harmed and the community about the outcomes.

## APPLICATION OF PROTOCOL

This Protocol applies to UNH students when the behavior occurs online or digital spaces, on campus or within the local community. If an incident also meets the threshold of a potential policy violation that adversely affects the University as described in the [Code of Conduct](#), it may also trigger an investigation and/or adjudication process.

It may also be implemented in areas such as the residence units or MUB if an incident rises to the severity that necessitates campus-wide action. (t)-o-3 (i)10.6.- (i)(c)-1.9 (e)-3 ( u)2.3 (n)2.2 (it)-3 (s)-1.3 ( )10.E9s)-1.3



the reported incident, complaint, or notice to determine if there is jurisdiction to adjudicate the complaint and to what extent.

- x Report to the UNH Police or the Durham Police for a criminal investigation.  
UNH Police - phone: 603-862-1427, website: <https://www.unh.edu/upd/>  
Durham Police - phone: 603-868-2324, website: <http://www.ci.durham.nh.us/police>
  
- x Report an incident to the Civil Rights & Equity Office to discuss whether it meets the definition of discriminatory harassment.  
Phone: 603-862-2930  
TTY 7-1-1 Relay NH  
Website: <https://www.unh.edu/diversity-inclusion/civil-rights-equity-office>
  
- x Report to the Office of the Senior Vice Provost for Student Life, Dean of Students or other Student Life Offices.  
Senior Vice Provost for Student Life - phone: 603-862-2054  
Dean of Students - phone: 603-862-2053  
Website: <https://www.unh.edu/student-life>
  
- x Report to a Clery Act Campus Security Authority if the incident is relevant to the Act.  
Website: <https://www.unh.edu/upd/clery-reporting>
  
- x Contact a staff member in SHARPP (Sexual Harassment & Rape Prevention Program).  
SHARPP offers programs to the entire UNH community: students, staff and faculty.  
Office phone: 603-862-3494  
24/7 Support phone: 603-862-7233  
24/7 Toll-free Support phone: 1-888-271-7233 (available to anyone in the UNH Community)  
TTY (confidential): 800-735-2964  
Website: <https://www.unh.edu/sharpp/>
  
- x Contact a professional staff member in the Beauregard Center located in the MUB.  
Phone: 603-862-5204  
Website: <https://www.unh.edu/diversity-inclusion/beauregard-center>
  
- x Contact the Office of International Students and Scholars.  
Phone: 603-862-1288  
Website: <https://www.unh.edu/global/international-students-scholars>
  
- x Contact the Office of Human Resources.  
Phone: 603-862-0501  
Website: <https://www.unh.edu/hr/>
  
- x Report an incident that has occurred in the residential halls or on-campus apartments to the Director of Housing & Residential Life.  
Phone: 603-862-2268  
Website: <https://www.unh.edu/housing/about-us/contact-us>

**Note:** For additional offices, see APPENDIX E “CAMPUS SUPPORT OFFICES”

## RESPONSE GUIDELINES

**First Amendment:** Respond with the First Amendment in mind. Conduct that is protected by the First Amendment is not actionable under law, or the UNH Student Code of Conduct.

- x **Location:** In considering the First Amendment, we must look at location. A limited public space, like Thompson Hall lawn, is a traditional location for protected speech. At UNH, there are no “speech zones.” Restrictions of time, place, and manner are placed on students, faculty, and staff according to the UNH Student Rights, Rules, and Responsibilities “[Freedom of Expression and Guidelines on Peaceful Dissent](#),” but such restrictions must remain content-neutral and cannot interfere with the message. Non-public forums include offices and related corridors. If there were to be a sit-in at the President’s Office, for example, it would not be constitutionally protected.
- x **Context:** Threats are assessed by looking at context. Vague expressions that are not directed at an identifiable individual or group of individuals (such as a campus organization) may be protected.
- x **Consultation:** As deemed appropriate, the person or group harmed may be consulted when formulating a response and informed of the outcome. His/Her/Their participation in any outcome should be voluntary.
- x **Safety:** Police and SHARPP may be consulted to assist in providing the person or group harmed with custom-designed safety plans and can also provide safety programming and information to groups following an incident. This is not a guarantee of safety, nor can an officer or SHARPP staff member typically be assigned to personally protect any individual or group. However, officers can and do step up patrols, and their visibility, in certain areas or during events.
- x **Response:** Offices such as the Affirmative Action and Equity Office, UNH Police, Community Standards, etc., are designated to receive reports, and respond to incidents and complaints of alleged discrimination and discriminatory harassment, including sexual harassment. They will continue in this capacity. When incidents occur that are deemed a threat to public safety, the **UNH Police representative** will immediately notify the public, especially as per the Clery Act Timely Warning protocol or as otherwise necessary. As well if the media (newspapers, television) are involved, **Affiliates** will be notified.
- x **Privacy and Due Process:** Respond with the privacy rights and due process rights of the person or group harmed and the accused in mind.
- x **See also Appendix A and B.**

## FACTORS AND INTENSITY SCALES

(To be considered in determining an appropriate response)

**a. Bias incident (including hate crimes):**

Factors to be considered in assessing the severity of an incident include: evidence of unprivileged or unwanted verbal or physical contact; unsolicited verbal or electronic contact; size and graphic nature of vandalism, graffiti, or display; egregiousness and persistence of behavior; interference with another person's right to education; academic or employment opportunities; evidence that behavior was motivated by bias, prejudice, or hate. (Adapted from "FIRE's Guide to Free Speech on Campus")

**Examples from least to most intense**

- x Off-hand statement lacking any threat.
- x Offensive name called in the heat of an argument.
- x Offensive word written on memo board, not targeted, easily erased.
- x Offensive action that is disruptive or interferes with the benefits and entitlements of participation in the community (ex. yelling, pounding, slamming doors).
- x Offensive word intended for members of a protected category, regardless of perceived intention.
- x Offensive word intended for members because of their actual or perceived protected category.
- x Symbol or slogan of violence (ex. swastika or cross burning, "wetbacks don't belong on our campus") targeted at a member of a protected class of people.
- x Confronting someone with offensive words or actions at or in a particularly inflammatory time or manner.
- x Destroying or vandalizing personal property of a member of a historically protected category of people, with offensive references.
- x Stalking and referencing a person's or group's protected category.
- x Physical violence.

**b. Threat to safety:**

Specificity of method, time, place, target group or individual, detail of plan or thought. The more specific, the more likely the threat may be real.

**Examples from least to most intense**

- x Short verbal altercation that ends in apology.
- x Threatening words against a person or group within a protected class that are vague regarding time, place, or method.
- x Specific threats against a member or members' protected class status. This can include any one, combination, or all of the following: time, place, method.
- x Unprivileged or uninvited physical contact.
- x Violence.

**c. Public nature:**

Buildings, sidewalks, thoroughways that are open and accessible to the public, websites that are not password protected, electronic communication that is mass distributed.



- x Establish direct contact with the person or group involved in the incident. This can happen with a member of the VPSAS staff, Associate Dean, Athletic staff, UNH Police, or other University office or authority, as appropriate.
- x Write forum article or letter to **The New Hampshire** editor outlining the incident and campus/community response to it.
- x Pursue disciplinary action or investigation by the Affirmative Action and Equity Office, the Director of Community Standards, or Human Resources.



## APPENDIX A

### WHAT CONSTITUTES A "THREAT"

"Hateful expression does not necessarily constitute an unlawful 'threat'." Many court opinions have defined the word "threat" and they typically distinguish between provocative or boorish expression (typically protected by the First Amendment) and true threats, which may lawfully be punished. Additionally, courts have held that the perception of a threat must be "objective" (that is from the standpoint of a "reasonable person"), not the subjective impression of a complainant. (Stop Hate CD, ACUI, 2003)

## APPENDIX B

### PROTECTIONS UNDER THE FIRST AMENDMENT

#### **What is protected by the First Amendment**

1. Offensive and hurtful expressions that are vague and do not convey a specific and imminent threat of harm.
2. Calling someone a bad or derogatory name in an isolated or single event.
3. Parody, ridicule, and satire.
4. Political, religious, and commercial speech.

#### **What is not protected by the First Amendment**

1. Speech that could produce imminent lawless action or cause a panic. You can't exclaim that you have a bomb on a plane, or yell "fire" in a theater.
2. Harassment that is severe, pervasive, and interferes with others. You can't call someone in the middle of the night for a week and repeatedly call the person a bad name.
3. Expressions directed at identifiable individuals or groups of individuals that promote the imminent prospect of actual violence or harm, such as a face-to-face invitation to fight, terroristic threats, obscenity, or criminal trespass.
4. Slander and libel. A provably false allegation of fact.
5. Evidence of unprivileged

## APPENDIX C

## APPENDIX D

### DEFINITIONS

***Community member:*** Any person including students, faculty, staff, visitors to campus and participants in university activities, stakeholders. (Note: this pertains to reports made by non-UNH members.)

***Bias, prejudice, and hate:*** These terms are used interchangeably around the country, and in government documents, such as the Department of Justice. There is no clear trend or preference for any of the three terms. Our choice to use “bias” does not discount our understanding that hatred for people, just because of their status, is an outrage and affront to us all. Using “bias” simply gives the UNH community one common term from which to act.

***Bias incident (including hate crimes):*** A bias incident is an act of a threat or act of harassment or intimidation, verbal, written or physical which is personally directed against or targets either an individual student/faculty/staff member or a group because of their actual or perceived race, color, veteran status or marital status or other category protected by law or UNH policy. All members of the University Community are encouraged to come forward with their concerns to access support and request a University response. In deciding how to respond, administrators will be bound by [USNH Affirmative Action and Equity Policies](#), [Student Code of Conduct](#), and controlling law.

New Hampshire hate crime legislation creates penalty enhancements for pre-existing crimes when those crimes were substantially motivated by hatred, bias, or prejudice, based on the victim’s inclusion in one of several legally specified protected categories. Thus, commission of a hate crime requires that two elements be proven. First, it must be shown that the defendant committed an enumerated predicate offense, such as assault, robbery, manslaughter, or kidnapping. Second, it must be shown that the defendant had illegal motivations based on the victim’s legally protected status. [NHRSA 651:6 I-f](#).

## APPENDIX E

### CAMPUS SUPPORT OFFICES

**Civil Rights & Equity Office (CREO)** oversees the University's compliance efforts with affirmative action, Title IX, disability laws and regulations (including ADA and Section 504), equal employment laws, and campus initiatives aimed at creating a diverse, welcoming and equitable campus. The Director of the Civil Rights & Equity Office, also advises campus constituencies, responds to complaints of discrimination or harassment under the Discrimination and Discriminatory Harassment Policy, and represents the University with federal and state agencies.

Phone: 603-862-2930

TTY: 7-1-1 or 800-735-2964 (Relay NH)

Email: [unh.civilrights@unh.edu](mailto:unh.civilrights@unh.edu)

Website: <https://www.unh.edu/diversity-inclusion/civil-rights-equity-office>

The **Office of Community, Equity and Diversity** is responsible for fostering an environment that appreciates individual differences, values equal opportunity for all, and eliminate barriers based on factors related to race, sex, i( Un)68(t)-4.8()7.9a itnt tyu -9.9(:9.7()3p)2.3(p.2073.02 )2.3(p.2073.02 )2.3(p.21)-6.673.

The mission of the **Durham Police Department** is to improve the quality of life by preserving the peace and safety of the community through the formation of partnerships, creating positive interaction between the public and the police while continuing to service the unique needs of the Durham community.

Phone: 603-868-2324

Website: <http://www.ci.durham.nh.us/police>

The **Graduate Student Senate** (GSS) is the official voice of UNH's graduate student body. We work hard to advocate for graduate students, representing their interests across UNH and the university system. We also work to engage the state legislature and foster a sense of community and social engagement among graduate students on campus. All degree-seeking graduate students are members of the GSS and are eligible to participate in all meetings and events. The GSS meets every other Tuesday from 12:30-2:00 pm in the Memorial Union Building (MUB) on the UNH Campus in Durham.

Website: <https://www.unh.edu/student-governance/graduate-student-senate>

**Health & Wellness** promotes, maintains and improves the health and well-being of the University Community in support of the institution's academic mission. This is accomplished by providing primary health care services, by teaching health care consumerism, illness prevention and health promotion, by providing co-curricular learning opportunities, and through its public health role. Services are student-focused, accessible, cost effective, and provided in a caring and professional manner. Health & Wellness continuously improves the quality of its care and services.

Phone: 603-862-9355

TTY: 7-1-1 or 800-735-2964 (Relay NH)

Website: <https://www.unh.edu/health/>

**Housing** staffs the undergraduate apartments with Community Assistants who are primarily focused on overall community development and are dedicated to helping their residents have successful tenures at UNH. Community Assistants are available at any time when the apartments are open, to discuss issues of climate, safety, personal responsibility, and University policies.

Phone: 603-862-2268,

Website: <https://www.unh.edu/housing/about-us/contact-us>

**Human Resources'** mission is to be a strategic partner in attracting, developing, and retaining a diverse and high performing workforce. Our Vision is to be a sought-after partner to the University community by reaching out to our customers. Our Vision is to be a sought-after partner to the University community by reaching out to our customers.



**SHARPP** (Sexual Harassment & Rape Prevention Program) offers direct support to survivors of sexual assault, sexual harassment, intimate partner abuse, stalking and those who care about them.



**Student Life** is a vibrant community of student affairs professionals who share a devotion to the development and education of all students at UNH. Working in collaboration with colleagues from across the campus, we are dedicated to developing the intellectual abilities of our students and strengthening the character and judgment to use those abilities wisely. Resilience, accountability, and engagement are qualities that you will hear us talk about frequently over the academic year. They allow one to explore without fear, fulfill hopes and aspirations, and address challenge squarely. We are Student Life, here to help you help yourself. Visit us on the web or in person for an ear to listen, for guidance when you want it, and for support when you need it.

Phone: 603-862-2054

Website: <https://www.unh.edu/main/student-life>

**UNH Global** actively promotes international engagement and cross-cultural understanding. In today's globalized and interdependent world, studying international affairs and having a transnational perspective are critical for success and have never been more vital -- or valuable. With a dynamic roster of global opportunities, a teaching faculty conducting research worldwide and an increasingly international student body, UNH brings the world to our campuses and UNH to the world.

Phone: 603.862.2398

Website: <https://www.unh.edu/global/>