

# Southern New Hampshire University

## DISCRIMINATION COMPLAINT PROTOCOL

Southern New Hampshire University (“University”) strives to create and maintain a community in which people are treated with dignity, decency, respect, and mutual trust. The University will not tolerate unlawful discrimination or harassment of any kind.

### **Definitions**

1. **Business Day:** a weekday, excluding weekends, University holidays, and University closures.
2. **Complaint:** a description of facts that allege violation of the University’s policy against discrimination or harassment.
3. **Complainant:** any member of the University Community who alleges that he/she has been subjected to discrimination or harassment due to his/her membership in a protected class.
4. **Protected Class:** persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race, color, creed, ethnicity, sex, religion, national origin, citizenship, marital or parental status, disability (including intellectual disability), age, gender, gender identity or expression, sexual orientation, pregnancy, veteran/military status, genetic information, or on any other legally prohibited basis.
5. **Respondent:** a person or persons who are alleged to have discriminated against or harassed another person or persons.
6. **University Community:** students, staff, faculty and Visitors.
7. **Visitors:** guests, applicants, contractors, vendors, and/or members of the public on University premises.

The purpose of this protocol is to ensure that all Complaints of discrimination or harassment are thoroughly and fairly investigated by the authorized unit of the University, which will conduct an adequate, reliable, and impartial investigation of all Complaints, with due regard for the rights of all parties. The University will take steps to prevent the recurrence of any discrimination or harassment and to correct its discriminatory effects on the Complainant and others, if appropriate.

Petty slights, minor annoyances, and isolated incidents (unless severe) of rude, uncivil, or non-collegial behavior will generally not rise to the level of a policy violation and should be addressed to a supervisor. Academic freedom provides significant space for individuals to express controversial views, teach controversial subjects, and engage in controversial research. As such, the offensiveness of a particular expression, course content, subject of academic inquiry, or research topic, as perceived by some, standing alone, is not sufficient to constitute a violation of this policy.

### **Discrimination**

Discrimination is defined as actions which deny an individual the benefits of educational activities, employment or any other benefits or entitlements which would otherwise be available to them as a member of the University community on the basis of a protected characteristic or the belief that they are a member of a protected class.

Consistent with all applicable federal and state laws, rules, regulations and ordinances (e.g. Title III, Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act as amended), and in recognition of its responsibilities to its faculty, staff, and students as well as to the communities in which it operates, Southern New Hampshire University reaffirms its continuing commitment to afford qualified or qualifiable individuals equal access and equal opportunity within the University. To ensure equal access and equal opportunity, Southern New Hampshire University shall not discriminate against any individual or group because of race, color, creed, ethnicity, sex, religion, national origin, citizenship, marital or parental status, disability (including intellectual disability), age, gender, gender identity or expression, sexual orientation, pregnancy, veteran/military status, genetic information, or on any other legally prohibited basis. Although most complaints allege intentional acts of discrimination, policies or actions that negatively impact a protected class may also constitute discrimination and are covered under this protocol.

### **Harassment**

The University prohibits harassment of any kind and will take appropriate and immediate action in response to Complaints or knowledge of violations. Harassment is unwelcome conduct directed at a person based on a protected characteristic, when these behaviors are sufficiently severe and/or pervasive such that

- The conduct has the effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating, or offensive working and/or academic environment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment and/or academic decisions affecting that individual;
- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment and/or academic work.

### **Retaliation**

Retaliation against any individual who, in good faith, has filed a Complaint, or who has cooperated in the investigation of such a Complaint, is unlawful and in violation of University policy. No hardship, loss, benefit or penalty may be imposed on an individual in response to any of the following, and retaliation, or attempted retaliation, in response to lodging a Complaint or invoking the Complaint process is a violation:

- Filing or responding to a bona fide Complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a Complaint.
- Serving as an investigator of a Complaint.

### **False Claims**

Knowingly filing groundless or malicious Complaints is an abuse of the process and will be treated as a violation. Knowingly false claims will be handled according to disciplinary measures outlined in the appropriate student/employee handbook.

### **Complaint Process**

The University has adopted a process providing for prompt and equitable resolution of Complaints and will handle all Complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Complaints of sexual discrimination or harassment should follow the [Title IX Sexual Misconduct Policy](#). Complaints of disability discrimination should follow the [ADA/504 Grievance Procedure](#). All other Complaints of discrimination or harassment should follow this protocol. Due to the damaging nature of discrimination and harassment to the victim, aggrieved individuals are encouraged to utilize this protocol. Interim measures may be available during the investigation of the

Complaint. The complaint process will vary depending on whether the complaint is being handled by University College (UC), Global Campus (GC), or Human Resources (HR). Please note that in the event that the Complainant and the Respondent are members of two different groups of University-affiliated individuals (students and employees), the processes applicable to the Respondent shall apply, although the two University groups involved shall keep each other apprised of the filing of a Complaint and any status updates throughout the process. If the Respondent is a staff or faculty member, Human Resources may, at its discretion, have complaint resolution staff conduct preliminary investigation procedures.

### **University College (UC) Complaint Procedure**

Any Complainant who believes he or she has been subject to discrimination or harassment by another member of the University Community may file a Complaint under this procedure with the exception of claims of sexual discrimination or harassment and disability discrimination, which will follow the procedures in the applicable [Title IX Sexual Misconduct Policy](#), or harassment and disability discrimination which will follow the [ADA/504 Grievance Procedure](#).

1. A Complaint should be filed as soon as possible after the incident and no more than 180 calendar days from date of the incident. The deadline may be extended for good cause. A formal Complaint should contain a statement of facts, as specific as possible, regarding the concern or action. Reports that are made anonymously may limit the University's ability to address, follow up, or seek further clarification while investigating the report.
2. A Complainant may initiate the formal Complaint process by filing a Complaint using the following [Incident Form](#).
3. Upon receipt of a Complaint, and within a reasonable timeframe, the Investigator will notify the Respondent, if applicable, of the Complaint and initiate an investigation. If the Investigator is involved in the Complaint as the Complainant or Respondent, a neutral individual will be appointed to serve as the Investigator.
4. The matter set forth in the Complaint will be investigated, as may be appropriate, within 60 business days following the initiation of the Complaint. The deadline may be extended for good cause. These rules contemplate thorough investigations, affording all interested persons and their representatives, if any, an opportunity to identify witnesses and submit evidence relevant to the Complaint. In conducting an investigation, the Investigator may interview witnesses, meet with concerned parties, receive oral or written statements, and make other appropriate inquiries.
5. After completing the investigation, the Investigator will then, based upon the findings report, determine whether the conduct in question should be referred to the University Conduct Board for a hearing. If so, written charges will be prepared by the Investigator, provided to the Complainant and the Respondent simultaneously by email, and filed with the University Conduct Board. An investigative report completed as part of this process is a fact-finding report and will not include a recommendation of sanctions to the University Conduct Board. The Board will determine what sanctions, if any, are to be imposed. The report shall be mandatory evidence for the University Conduct Board hearing, and will be presented to the Board by the Investigator. Conduct hearings will be conducted consistent with the process outlined in the Student Handbook.

If the Investigator determines that the information presented does not merit a referral for a University Conduct Board hearing, he or she will inform both the Complainant and the Respondent simultaneously by email to their SNHU email accounts of the decision. That email will include notice that the investigation may be re-opened at the discretion of the Investigator if new evidence is presented, new information comes to light, or a violation of another SNHU policy or another sanction of this Policy are discovered.

6. Both the Complainant and the Respondent will be informed, simultaneously, by email to their SNHU email accounts of (1) the outcome of any disciplinary proceeding; (2) the University's appeal process and the rights of both parties to appeal the results; (3) any change to the results that occurs prior to the results becoming final; and (4) when the results become final, no later than 60 business days after the Complaint is received. The deadline may be extended for good cause.

### **University College (UC) Appeals**

Both parties shall have the opportunity to appeal a decision by the University Conduct Board using the procedure described in the Student Handbook. In keeping with the timeframes for all UC student conduct cases, appeals must be submitted within five (5) business days of the decision and are only allowed on the limited grounds defined in the Student Handbook.

The appeal must specify the particular substantive and/or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the current resolution. In the written appeal, the appellant must explain why he or she believes the factual information considered was incomplete, the analysis of the facts was incorrect, and/or the appropriate standard or procedure was not applied, *and* how this should change the University's determination of the matter.

A copy of the Appeals Officer's written decision will be sent to the Investigator of the formal Complaint and the Complainant's SNHU email account, and Respondent's if applicable, within a reasonable timeframe. The decision of the Appeals Officer is final.

### **Global Campus (GC) Complaint Procedure**

Any Complainant who believes he or she has been subject to discrimination or harassment by another member of the University Community may file a Complaint under this procedure with the exception of claims of sexual discrimination which will follow the procedures in the [Title IX Sexual Misconduct Policy](#), or harassment and disability discrimination which will follow the [ADA/504 Grievance Procedure](#).

1. A Complaint should be filed as soon as possible after the incident and no more than 180 calendar days from date of the incident. The deadline may be extended for good cause. A formal Complaint must be filed in writing and should contain a statement of facts, as specific as possible, regarding the concern or action. Reports that are made anonymously may limit the University's ability to address, follow up, or seek further clarification while investigating the report.
2. A Complainant may initiate the formal Complaint process by filing a Complaint using the following [Student Dispute Form](#).

3. Upon receipt of a Complaint, and within a reasonable timeframe, a member of the Dispute Resolution team (the “Investigator”) will notify the Respondent, if applicable, of the Complaint and initiate an investigation. If the Investigator is involved in the Complaint as the Complainant or Respondent or as a witness or is otherwise deemed to be an interested party, a neutral individual will be appointed to serve as the Investigator.
4. The matter set forth in the Complaint will be investigated, as may be appropriate, within 60 business days following the initiation of the Complaint. The deadline may be extended for good cause. These rules contemplate thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and submit evidence relevant to the Complaint. In conducting an investigation, the Investigator may interview witnesses, meet with concerned parties, receive oral or written statements, and make other appropriate inquiries.
5. After completing the investigation, the Investigator will forward a copy of the report and recommendation to a member of Student Success Leadership for review.
6. The Investigator will then submit a written determination as to the validity of the Complaint and a description of the resolution, if any, and forward a copy to the Complainant’s SNHU email account, and Respondent if applicable, no later than 60 business days after the Complaint is received. The deadline may be extended for good cause.

### **Global Campus (GC) Appeals**

The Complainant, or Respondent if applicable, may appeal the decision of the initial Complaint within 10 business days, in keeping with the timeframe for all GC conduct cases, to a member of Student Success Leadership (the “Appeals Officer”) not officially involved in the Complaint as the Investigator or as the Complainant, Respondent, or a witness and who is not otherwise determined to be involved in the Complaint. The Appeals Officer will involve other University officials as deemed necessary. Information about how to appeal the results of the investigation will be included in the formal written notification sent to the Complainant, and Respondent if applicable, at the conclusion of the investigation.

The appeal must specify the particular substantive and/or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the current resolution. In the written appeal, the appellant must explain why he or she believes the factual information considered was incomplete, the analysis of the facts was incorrect, and/or the appropriate standard or procedure was not applied, *and* how this should change the University’s determination of the matter.

A copy of the Appeals Officer’s written decision will be sent to the Investigator of the formal Complaint and the Complainant’s SNHU email account, and Respondent’s if applicable, within a reasonable timeframe. The decision of the Appeals Officer is final.

### **Human Resources (HR) Complaint Procedure**

Any Complainant who believes he or she has been subject to discrimination or harassment, by another member of the University Community may file a Complaint under this procedure, with the exception of claims of sexual discrimination which will follow the procedures in the [Title IX Sexual Misconduct Policy](#), or harassment and disability discrimination which will follow the [ADA/504 Grievance Procedure](#). Applicable procedures are outlined below.

A Complaint should be filed as soon as possible after the incident or informal resolution attempt and no more than 180 calendar days from date of the incident. The Complainant may make a complaint by alerting an appropriate Human Resources Business Partner of the Complaint. However, every Complaint must contain a statement of facts, as specific as possible, regarding the concern or action. The Complaint must be summarized in writing for the investigation to begin. Reports that are made anonymously may limit the University's ability to address, follow up, or seek further clarification while investigating the report.

1. A Complainant may initiate the formal Complaint process and file a Complaint by [opening a ticket in Service Now](#). A Complainant always has the opportunity to speak directly with a Human Resources Business Partner regarding the Complaint or with any questions about the process.
2. Within a reasonable timeframe of receiving the Complaint the assigned Human Resources Business Partner, higher-level Human Resources Officer, or third party investigator (the "Investigator") will notify the Respondent of the Complaint and initiate an investigation. If the assigned Investigator is determined to be involved in the Complaint as the Complainant or Respondent or as a witness or is otherwise deemed to be an interested party, a neutral individual will be appointed to serve as the Investigator.
3. During the investigation, the Investigator will investigate the matter set forth in the written Complaint, as may be appropriate, within 60 business days following the initiation of the investigation. The deadline may be extended for good cause. These rules contemplate thorough investigations, affording all interested persons and their representatives, if any, an opportunity to identify witnesses and submit evidence relevant to the Complaint. In conducting an investigation, the Investigator may interview witnesses, meet with concerned parties, receive oral or written statements, and make other appropriate inquiries. All persons involved in the investigation must cooperate fully, deliver truthful statements, and use their best judgment under this policy.
4. The Investigator will then submit a written determination as to the validity of the Complaint and a description of the resolution, if any, and forward a copy to the Complainant's SNHU email account or the Complainant's preferred method of communication, and Respondent if applicable, no later than 60 business days after the Complaint is received. The deadline may be extended for good cause.

### **Human Resources (HR) Appeals**

The Complainant, or Respondent if applicable, may appeal the decision of the initial Complaint within 10 business days. The appeal will be assigned to a Vice-President or higher level officer not officially involved in the Complaint as the Investigator or as the Complainant, Respondent, or a witness and who is not otherwise determined to be involved in the Complaint (the "Appeals Officer"). The Appeals Officer will involve other University officials as deemed necessary. Information about how to appeal the results of the investigation will be included in the formal written notification sent to the Complainant, and Respondent if applicable, at the conclusion of the investigation.

All requests for appeal must be made in writing. The appeal must specify the particular substantive and/or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the current resolution. In the written appeal, the appellant must explain why he or she believes the

factual information considered was incomplete or there was a flaw in the investigative process and/or the appropriate standard or procedure was not applied, *and* how this should change the University's determination of the matter.

A copy of the Appeals Officer's written decision will be sent to the Investigator of the formal Complaint, and the Complainant's SNHU email account, and Respondent's if applicable, within a reasonable timeframe of the receipt of the appeal. The decision of the Appeals Officer is final.

This process is separate from, but in no way limits the right of, individuals covered under the SNHUPEA Agreement.

### **Miscellaneous**

The University will keep all files and records related to the Complaints filed for seven years.

These rules will be construed to protect the substantive rights of interested persons, meet the appropriate due process standards, and ensure that the University complies with all applicable federal and state laws, rules, regulations and ordinances (e.g. Title III, Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act as amended) and their implementing regulations. Any of the above time frames for the University may be extended if the University determines there are extenuating circumstances. Examples of extenuating circumstances include, but are not limited to, University holidays and absence or illness or witnesses or personnel. Under such circumstances, the Complainant, and Respondent if applicable, will be notified in writing as to the delay and a projected date for resolution.

Nothing in this policy prevents the Complainant or the Respondent from filing a Complaint with local, state or federal agencies. The University will proceed with an investigation of harassment and discrimination Complaints regardless of whether the underlying conduct is subject to civil or criminal prosecution. Complaints may also be filed with:

#### **Manchester Police Department**

405 Valley Street  
Manchester, NH 03103  
Emergency: 911  
Non-emergency: 603.668.8711

#### **Hooksett Police Department**

15 Legends Drive  
Hooksett, NH 03106  
Emergency: 911  
Non-emergency: 603.624.1560

[U.S. Department of Education, Office for Civil Rights](#)

[U.S. Equal Employment Opportunity Commission](#)

[New Hampshire Commission for Human Rights](#)