



STUDENT CODE OF CONDUCT

2020-2021

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Dear Franklin Pierce University Student,

You should know that our community thrives when individual members practice responsibility for themselves and respect for one another. As a student in one of our programs around the country and a member of the Franklin Pierce Community, one of the expectations we have for being a part of that community is practicing good citizenship and personal responsibility. These basic tenants are a part of the foundation that exists in any community that seeks to be successful. It is our belief that every student must recognize that this is an academic community that is dedicated to the free and open examination of ideas in the pursuit of knowledge. It is also a community that values the holistic well-being, personal growth, and the professional preparation of our members.

The Student Code of Conduct maintains a portion of those values and beliefs. It establishes the expectations that the University has for how all of our students should conduct themselves. When you read the code, it appears to be a simple list of rules, but I would challenge you to look at the code as a far more instructive document. The Student Code is less about rules that you have to follow, and more about providing guidance on how to Live the Franklin Pierce Way in a manner that allows for a greater likelihood of success. The Code provides you guidance on choices and situations you should avoid. Whether or not you use these instructions to navigate your Franklin Pierce experience is a decision you will have to make. Also, outlined very clearly, it makes you aware that as a member of our community, you are held accountable for your choices and your actions. Successfully Living the Franklin Pierce Way means we make choices responsibly and that are reflective of what we value.

Through your admission to Franklin Pierce University, whether in Rindge, Manchester, or Lebanon New Hampshire, online, or on a Goodyear Arizona campus, you have been welcomed into a proud Raven family. We are here to serve you and to help you along your collegiate journey. While you all are on different journeys depending upon your program, we expect that each of you will make the choice to approach this experience with a genuine interest in learning, an openness to be challenged and to be introduced to new people, ideas, and perspectives; and with a commitment to practicing good citizenship and personal responsibility. In doing so, not only do you aid your own journey toward greater success, but you also aid those that are around you. It is thru that collective commitment, our willingness to serve, and by practicing good citizenship and personal responsibility that as a community we can Live the Franklin Pierce Way and be successful.

If I can offer any assistance to you along that journey, please feel free to reach out to me at polloma@franklinpierce.edu

Sincerely,

Andrew R. Pollom, EdD.

Dean of Student Affairs

INTRODUCTION

As a part of its educational mission, the University has developed this Student Code of Conduct. The University believes that its proper role is to offer opportunities for the personal growth of its students. Hence, the Franklin Pierce Community promotes the development of responsible conduct. Students are expected to become familiar with and adhere to the University's standards and policies for student conduct. Furthermore, students are responsible for their actions, and those who violate the Code of Conduct will be subject to disciplinary action.

Membership in the Franklin Pierce Community is a privilege that shall not be abused.

Students accepting the offer of admission and matriculation at Franklin Pierce University assume the obligation of conducting themselves in a manner compatible with the University as an educational institution, and agree to abide by all published regulations governing the student body. Minimal regulations are necessary to ensure respect for basic individual rights. The University acknowledges and respects the rights of each student, and does not view itself as a sanctuary from the law.

MISSION STATEMENT

Franklin Pierce University is committed to creating and maintaining a safe and productive learning environment within our community. The Franklin Pierce Student Conduct process exists to promote justice and fairness, by providing students who are accused of violating the Student Code of Conduct, and may face conduct sanctions, with an opportunity to be heard. It is expected that each person will grow to have a greater respect for self, others, and property.

PHILOSOPHY

Franklin Pierce University is committed to creating and maintaining a safe and productive learning community with its students.

The philosophy of Student Conduct is one of education. Franklin Pierce University has developed a conduct system, which will assist students as lifelong learners. This will facilitate the students' cognitive and social development. The goal of Student Conduct is to help students grow and learn from their mistakes, rather than imposing arbitrary punishment.

As a part of its educational mission, the University has developed a Student Code of Conduct. The University believes that its proper role is to offer opportunities for the personal growth of its students. Students are expected to become familiar with, and adhere to, the University's standards and policies for student conduct. Furthermore, students are responsible for their actions, and those who violate the Code of Conduct will be subject to disciplinary action.

A developmental student conduct program is built to discover teachable moments in all conduct cases (from documentation through the hearing). The teachable moment is the point at which the student displays an interest in, or an ability to understand key developmental challenges. This is when a student sees the source of their behavior, or can be motivated to change the source of the behavior.

ARTICLE I: DEFINITIONS

All of the terms in this Student Code of Conduct ("Code") have their common dictionary meanings unless otherwise specified. The following terms, however, should be interpreted to have the specific meanings listed below.

1. The term "University" means Franklin Pierce University.
2. The term "student" includes all persons taking courses at the University, both full-time and part-time. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered students.
3. The term "faculty member" means any person hired by the University to conduct classroom activities.
4. The term "University official" and "University employee" includes any person employed by the University performing assigned administrative or professional responsibilities.
5. The term "member of the University community" includes any person who is a student, faculty member, staff member, or University official. A person's status in a particular situation shall be determined by the Student Affairs Office.
6. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, including adjacent streets and sidewalks.
7. The terms "conduct body" and "hearing officer(s)" mean any person or persons authorized by this document or by the Dean of Student Affairs to determine whether a student has violated the Student Code of Conduct and to recommend or to assign imposition of sanctions.
8. The term "organization" means any number of persons who have complied with formal requirements for recognition by the University.
9. The term "appellate authority" means any person or persons authorized by this document or by the Dean of Student Affairs to consider an appeal resulting from a conduct body's determination that a student has violated the Student Code of Conduct or from the sanctions imposed by that body.
10. The term "shall" is used in the imperative sense.
11. The term "may" is used in the permissive sense.
12. The term "policy" is defined as the written regulations of the University as found in, but not limited to this document, the Student Handbook and the University Catalog.
13. The term "advisor" is defined as a member of the University community (faculty, staff or student) selected by a respondent for support at any conduct hearing. The role of the advisor is limited to direct support to the student; as it is the responsibility of the student to present their own testimony, evidence, etc.
The advisor may not address the hearing officer(s) directly or on behalf of the student unless requested by the hearing officer(s) to do so, or, upon request of the respondent, the hearing officer grants such request upon good cause shown.
14. The student may not bring as an advisor a faculty, staff or student who is also a family member. If the hearing officer deems that a conflict of interest exists with the advisor, the hearing officer, at their sole discretion, may disqualify the advisor. As such, all advisors must be approved by the hearing officer in advance. There is an exception that relates to cases that involve "Sexual Misconduct." External advisors are allowable under certain circumstances. (See Article IV., C. Hearing Procedures, 1., e. for exceptions related to cases involving Sexual Misconduct).
15. The term "sanction" is defined as the action/outcome issued by a conduct body as a result of a student being found responsible for violating a university policy. Such action may be educational and/or punitive in nature.
16. The term "complainant" refers to an individual or body bringing forth a complaint.

17. The term "respondent" refers to a student who stands accused of a violation of the code.
18. The term "public areas" includes residence hall lounges, academic facility lounges, hallways, stairwells, stoops, parking lots, courtyards, etc.).

ARTICLE II: CONDUCT AUTHORITY

1. The Dean of Student Affairs is the person designated by the University President to be responsible for the oversight and administration of the Franklin Pierce University Student Code of Conduct, to include determination of definition of all policies and statements within the Code.
2. The Assistant Dean of Student Affairs, as coordinator of Student Conduct and Community Standards, shall ensure the composition of conduct bodies and appellate authorities in accordance with this document and established university policies. The Assistant Dean of Student Affairs shall determine whether or not charges are brought against a student, which conduct body or appellate authority shall be authorized to hear each case. The Assistant Dean of Student Affairs shall develop policies for the administration of the conduct system and procedural rules for the conduct of hearings, which are consistent with provisions of this document and established university policies.
3. The University is responsible for the investigation of all possible violators of this code. Investigations will typically be investigated by either Campus Safety or members of the Division of Student Affairs, or other staff member deemed appropriate by the Assistant Dean of Student Affairs.
4. Decisions made by a conduct body shall be final, pending the established appeal and review process.
5. A conduct body may be designated to informally resolve matters within the student community in cases which do not involve a violation of the Student Code. All parties must agree to the informal resolution process and outcome.

6. Violations of the University's Honor Code/Academic Catalog and Student Code of Conduct relating to academic integrity are referred to an Academic Dean. In cases involving academic integrity and other Student Code of Conduct violations, the Assistant Dean of Student Affairs and an Academic Dean, will determine whether the case will be handled under the Student Code of Conduct, through academic procedures, or jointly.

ARTICLE III: PROSCRIBED CONDUCT

A. JURISDICTION OF THE UNIVERSITY

Generally, university jurisdiction and discipline shall be limited to conduct which occurs on university premises, on university owned technology, or at university-sponsored events off university premises, or which adversely affects the university community and/or the pursuit of its objectives.

Off-Campus Study

Students who participate in any university or university-affiliated program off Campus (included but not limited to Academic, Athletic, or Social) are subject to student conduct regulations described in this Code of Conduct, in addition to any laws governing the town, state or country where they are studying. Authority for the code may be delegated by the Dean of Student Affairs. In addition, students attending foreign universities are also subject to the conduct regulations of that university.

B. CONDUCT - RULES AND REGULATIONS

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV., F. (Violations below are not ranked in any specific order).

1. Acts of dishonesty, including but not limited to, the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty. (See Academic Catalogue: "Plagiarism or Other Forms of Cheating").
 - b. Furnishing false information to or withholding pertinent information to, or withholding pertinent information from the University or any official, faculty member or office (ie. failing to produce University identification to a University official, not communicating updates to any university record).
 - c. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
 - d. Tampering with the election process of any University-recognized student organization.
2. Physical abuse to include any physical act which is abusive, intimidates, threatens or endangers the physical health or safety of any person.
3. Sexual Misconduct, as defined in Franklin Pierce's Sexual Misconduct Policy and/or Title IX Grievance Policy.
4. Acts which endanger the safety, welfare or well-being of any person(s).
5. Verbal and other forms of non-physical abuse to include profanity, intimidation, harassment or other conduct which is abusive (e.g., bullying), threatens, intimidates, or endangers the health or safety of any person.
6. Disorderly Conduct or Disruptive Behavior(s) which is lewd, indecent, a breach of peace, or negatively impacts the community. This is to include, but not be limited to, obstruction or disruption of teaching, research, study, residential living, administration, conduct proceedings, other university programs and activities or other authorized non-university activity on university premises.
7. Alcohol Policy and Regulations
 - a. Underage possession or use of alcoholic beverages is prohibited. By federal law, no one under 21 years of age is permitted to consume, purchase, transport, or possess any alcoholic beverage. The University does not condone violation of criminal law, including underage drinking. All matters relating to alcohol on university premises, or at university- sponsored events, are governed by state and federal law. As members of the general public, students are charged with full knowledge of these laws.
 - b. Open containers of alcohol are prohibited in public areas unless authorized for a university event
 - c. Intoxication as exhibited by impaired behavior or excess consumption that could cause personal injury is prohibited and will subject the student to disciplinary action. This may include driving under the influence.
 - d. Common sources of alcohol are prohibited by the University unless authorized for a university event. "Common source" is defined as a large amount of alcohol present which is in excess, or beyond a reasonable amount, for the number of people present who are 21 years of age or older. Common sources include, but are not limited to kegs, beer balls, or punch bowls.
 - e. Drinking contests/games and potentially dangerous actions such as, but not limited to, the use of "funnels," drinking contests/games, "keg stands," "beer pong tables," etc. Devices for this purpose will be confiscated by the University.

- f. Providing, distributing or selling alcohol to a person under the age of 21 or a person impaired by alcohol is prohibited.
 - g. Glass beer bottles are prohibited on the University campuses, except at University sponsored, catered events.
 - h. Full and/or empty alcohol containers (i.e., cans and boxes, wine bottles and boxes, and spirit bottles) cannot be displayed in University owned buildings (including residential student spaces) where they are reasonably visible from the exterior of the building (e.g., through windows or exterior doors when they are open).
8. A. Use, possession, sale or distribution of narcotics or other controlled substances, except as expressly permitted by law (e.g. prescription drugs), is forbidden.
- B. Drug related devices are prohibited on university premises.
9. Theft, attempted theft, or possession of property belonging to the University, a member of the university or external community, or a campus guest is a violation.
10. Illegal entry, or any attempt to illegally enter a university space without the permission of one or more residents of the room (if within a student residential community) or approved personnel.
11. Vandalism, damage to, or attempted damage to property belonging to the University, a member of the university community, or a campus guest.
12. Misuse, abuse, or tampering of fire safety equipment, including the activation of false alarms, the misuse of emergency exits, the wrongful discharge or removal of fire extinguishers, or tampering with alarm systems, sprinkler systems, and smoke alarms constitutes a serious violation. Such violations endanger the life safety of the community. Further, students are required to evacuate any building when a fire alarm is sounding. Students may be fined for activation of an alarm system.
13. Weapons. Any instruments/devices that are designed or may be used as a weapon to injure or threaten another individual. Possession or use of firearms, other weapons, or explosives, is not permitted on any campus location. Violation of this policy is considered a serious offense and may lead to immediate separation from the university. Examples of weapons or explosives includes, but is not limited to: fireworks, handguns, rifles, pellet guns, BB guns, paintball guns, box cutters, Tasers, swords, bow and arrow, martial arts weapons, brass knuckles, including non-culinary knives with a blade greater than three (3) inches, sling shots, pellets, bullets, ammunition, etc. The University does not store such weapons or explosives nor may they be stored in vehicles, apartments, or any other place on campus.
14. Failure to comply with the directions of a University official in the performance of their duties or failure to identify oneself to a University official by producing a Franklin Pierce student identification card or a valid guest pass, when requested to do so.
15. Abuse of the Conduct System. This policy shall include, but not be limited to:
- a. Failure to obey the summons of a conduct body or university official;
 - b. Falsification, distortion, or misrepresentation of information before a conduct body;
 - c. Disruption or interference with the orderly conduct of a conduct proceeding;
 - d. Falsification of report(ing)
 - e. Attempting to discourage, hinder or present an individual's proper participation in, or use of, the conduct system;
 - f. Harassment (verbal or physical) and/or intimidation of a member of a conduct body or witness prior to, during, and/or after a conduct proceeding;
 - g. Failure to comply fully with the sanction(s) imposed by a conduct body under the Student Code; and or

- h. Influencing or attempting to influence the integrity and/or the impartiality of a member of a conduct body or witness prior to, and/or during the course of the conduct proceedings.
16. Motor vehicle regulations, as published by the Department of Campus Safety.
17. Littering, or failure to dispose of trash and other discarded materials in the proper receptacles.
18. Violation of published University policies, rules, or regulations. Included in this policy, but not limited to are all regulations published by Residential Life or any department within Student Affairs (e.g., Student Involvement) such as, quiet hours, registration of guests, residence halls closing, and all regulations contained within University Catalogue all other University publications.
19. Violation of any federal, state or local law.
20. Participating in, leading or inciting others to participate in an on-campus or off-campus demonstration, riot or activity that disrupts the operations of the University and/or infringes the rights of members of the University community.
21. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
22. Disorderly, lewd, or indecent conduct; breaches of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by the University, participated in by the University, or by members of the University community.
23. Unauthorized, unsanctioned, or inappropriate use of the University's technological equipment or services (i.e. computers, services, telephones, voicemail, etc.). This policy includes, but is not limited to:
 - a. Unauthorized entry into a file, to use, read, or change, the contents, or for any other purpose;
 - b. Unauthorized transfer of a file;
 - c. Unauthorized use of another individual's identification, access code, security code, or password;
 - d. Use of computing and voice mail facilities to interfere with the work of another student, faculty member or university official;
 - e. Use of computing and voice mail facilities to interfere with normal operation of the University computing system; and or
 - f. Use of the telecommunications and computing system to harass (including obscene and/or abusive messages), intimidate, or threaten another individual.
 - g. Use of technology to record (audio, visual, or other), without consent. The recording of oral or electronic communications between parties who were under a reasonable expectation of privacy without the consent of all involved is a felony offense.
 - h. Use of technology to share negative and/or hostile information of another person or of the University;
 - i. Violation of any rules outlined in the Student Computer Use Policy.
 - j. Disorderly conduct with use of the Raven Nation App. This includes, but is not limited to posting inappropriate information or behaviors.
24. Actions of a student's guest(s) which violate any university policy are the responsibility of the host student. Therefore, if a student's guest(s) violates university policy, the guest(s) may be required to leave university premises or may be banned from university premises.
25. Presence, actively or passively, on-line or in person, supporting another individual to violate any University policy is a violation.

26. Retaliation, on-line, in person, or by 3rd party, which includes any act which would intimidate, threaten, coerce or in any way discriminate against an individual because of their complaint or their participation in the conduct process.
27. Hazing, which is defined as any act (occurring on or off campus) that is likely to be perceived by a reasonable person as: physically, emotionally or psychologically humiliating or abusive or that endangers the health or safety of an individual or select group of individuals as part of the process of gaining entrance or acceptance into an established group, team or organization.
28. Smoking/Vaping is prohibited in all residence halls and university buildings, as well as within 25 feet of any dwelling egress or window.
29. Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for their own or another's safety, or to suffer substantial emotional distress. "Course of conduct" means two or more acts, including but not limited to acts in which the stalker directly or indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Reasonable person" means a person under similar circumstances and with similar identities as the complainant. "Substantial emotional distress" means a significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

C. VIOLATION OF LAW AND UNIVERSITY RESPONSES

1. If a student is found guilty of violating federal, state, or local law, this may constitute a violation.
2. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also the subject of a proceeding before a conduct body under the Student Code, however, the University may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the university community.
3. If a student is the victim of any crime, the student is encouraged to report it to law enforcement officials. Campus Safety can assist the student in contacting the local law enforcement agency. In matters of Sexual Harassment or Sexual Violence crimes, please review the policy for confidential reporting parties.

ARTICLE IV: CONDUCT SYSTEM AND PROCESS

THE CONDUCT PROCESS

1. Any member of the university community may file a complaint against any student for misconduct. Complaints should be prepared in writing and directed to the Assistant Dean of Student Affairs. Any complaint should be submitted as soon as possible after the incident related to the complaint(s). The Assistant Dean of Student Affairs may ask either staff from within either the Division of Student Affairs or Campus Safety (or another University staff member deemed appropriate by the Assistant Dean of Student Affairs) to investigate the complaint.
2. The Assistant Dean of Student Affairs shall determine if charges should be initiated and which hearing body to hear and decide the case.
3. If a student withdraws from the University, during the time of a pending conduct matter, the conduct sanction may override the withdraw status. A student may not escape conduct or financial responsibilities through the withdrawal or leave of absence process. Students must receive permission to withdraw or exercise a leave through the Assistant Dean or their designee.

THE CONDUCT SYSTEM

There are several conduct bodies within the University's conduct system. The first body is the Resident Director (or Graduate Assistant), the second body is the Coordinator of Student Conduct and Community Standards along with the Assistant Directors of Residential Life, the fourth body is the Assistant Dean of Student Affairs, and the fifth body is the Administrative Hearing Board. The Assistant Dean of Student Affairs and/or Dean of Student Affairs reserve the right to refer a student conduct case to any other University employee designee deemed necessary on a case by case basis.

In certain cases, the Assistant Dean of Student Affairs may opt to refer cases to an Administrative Hearing Board (AHB).

AHB meets at the request of the Assistant Dean of Student Affairs. Individual members of the Board or other members of the community may be requested to assist another conduct body in an administrative hearing. Any individual participates as a hearing board member obtains training, provided by the Assistant Dean of Student Affairs.

At any time, however, the Assistant Dean of Student Affairs may choose at their discretion to hear any case in place of another conduct body. The Assistant Dean of Student Affairs may invite other members of the community to assist in hearing the case.

Conduct hearings are to take the form of an educational dialogue with the involved student(s). The only record maintained in conduct board hearings will be electronic case reports, statements, investigation reports and the decision of the conduct body. Hearings brought forth under the Title IX Grievance Policy or Sexual Misconduct policy will be recorded and added to the electronic file.

HEARING PROCEDURES

Conduct Hearings (*includes cases heard by an individual conduct officer*)

1. The respondent shall receive a letter of alleged violations (charge letter) electronically from the appropriate conduct body requesting a meeting for a hearing by a specified date to discuss the alleged incident.

Such a meeting date being at least two (2) days after the date of the letter and not more than fourteen (14) days. It is the responsibility of every student to check their university e-mail account regularly to receive hearing information, as well as other important university communications. The software system that Student Conduct utilizes is Maxient and students are required to check those communications.

2. Each student is expected to attend the hearing. If the student fails to meet with the conduct body by the date specified, the conduct body shall decide the matter, to include disciplinary sanction, without the benefit of the respondent's input.

3. An administrative hearing is normally conducted as an educational dialogue between the conduct body and the respondent, and is done for the purpose of learning from the situation, as well as upholding community standards. Administrative hearings are conducted in private.

4. The only witnesses permitted to present testimony at the hearing will be those persons with direct (not second-hand or hearsay) knowledge about the events or matters under consideration by the

hearing body. Witnesses must be approved by the conduct body. Both the respondent and complainant have the right to bring witnesses. Decisions regarding who is present-beyond the respondent, complainant, advisors, and approved witnesses will be at the complete discretion of the conduct body.

5. A respondent, complainant or witness may have an advisor of their choosing from within the university community present at the hearing. The advisor may be selected from faculty, staff, and students. The advisor shall not participate directly in any aspect of the hearing; the advisor may only address the student they are advising. It is the student's responsibility to present all aspects of their own defense (Also see Article I, Definitions, #13). In cases that relate to Title IX Grievance or Sexual Misconduct, and only in these cases, both the complainant and the respondent are permitted to have advisors from outside the University community (i.e., parents, attorney, etc.). Reference the Title IX Grievance Policy and/or Sexual Misconduct policy regarding rights of advisors within those cases.

6. Accommodations for a conduct hearing must be requested of the Coordinator of Student Accessibility Services at least 24 hours prior to the date of the hearing. Visit the University Catalog or following website for more information <http://franklinpierce.edu/academics/cae/disability.htm>

7. The conduct body's decision shall be made on the basis of whether it is more likely than not that the respondent violated the Student Code (preponderance of the evidence standard).

8. To protect privacy rights, physical and digital copies of reports and statements are not provided to anyone but the hearing officers. Specific and relevant details contained within the report will be shared verbally at the time of the hearing. In cases that relate to Title IX Grievance and Sexual Misconduct, and only in these cases, both the complainant and the respondent are permitted to access to the investigation packet.

9. The only record which shall be made of an administrative hearing is the written decision of the conduct body, which will be sent electronically to the student (and simultaneously to the person filing the complaint in cases involving sexual misconduct) and maintained in the student's personal file in the Office of Student Affairs.

In addition to the conduct decision, an electronic copy of the incident report and any evidence gathered through the investigation will be maintained, but is not a part of the student's file. The software system that Student Conduct utilizes is Maxient and students are required to check those communications.

AHB Board Hearings *(includes cases heard more than one conduct officer)*

1. The respondent shall receive a letter of alleged violations (charge letter) electronically from the appropriate conduct body requesting a meeting for a hearing by a specified date to discuss the alleged incident. Such a meeting date being at least two (2) days after the date of the letter and not more than fourteen (14) days. It is the responsibility of every student to check their university e-mail account on a daily basis to receive hearing information, as well as other important university communications. The software system that Student Conduct utilizes is Maxient and students are required to check those communications.

2. Each student is expected to attend the hearing. If the student fails to meet with the conduct body by the date specified, the conduct body shall decide the matter, to include disciplinary sanction, without the benefit of the respondent's input.

3. An administrative hearing is normally conducted as an educational dialogue between the conduct body and the respondent, and is done for the purpose of learning from the situation, as well as upholding community standards. Administrative hearings are conducted in private.

4. The only witnesses permitted to present testimony at the hearing will be those persons with direct (not second-hand or hearsay) knowledge about the events or matters under consideration by the hearing body. Witnesses must be approved by the conduct body. Both the respondent and complainant have the right to bring witnesses. Decisions regarding who is present-beyond the respondent, complainant, advisors, and approved witnesses will be at the complete discretion of the conduct body.

5. A respondent, complainant or witness may have an advisor of their choosing from within the university community present at the hearing. The advisor may be selected from faculty, staff, and students. The advisor shall not participate directly in any aspect of the hearing; the advisor may only address the student they are advising. It is the student's responsibility to present all aspects of their own defense (Also see Article I, Definitions, #13). In cases that relate to Sexual Misconduct, and only in these cases, both the complainant and the respondent are permitted to have advisors from outside the University community (i.e., parents, attorney, etc.). However, the hearing officer must be advised of this at least 48 hours before the time of the hearing, and the advisor must abide by the same rules as outlined above for other advisors (e.g., advisors may not participate directly in any aspect of the hearing). If the advisor does not meet these expectations, they may be required to leave the hearing. For additional information related to Advisors in Sexual Misconduct and Title IX Grievance Policies reference the [Sexual Misconduct Policy](#) and the [Title IX Grievance Policy](#).

6. Accommodations for a conduct hearing must be requested of the Coordinator of Student Accessibility Services at least 24 hours prior to the date of the hearing. Visit the University Catalog or following website for more information <http://franklinpierce.edu/academics/cae/disability.htm>

7. The conduct body's decision shall be made on the basis of whether it is more likely than not that the respondent violated the Student Code.

8. To protect privacy rights, physical and digital copies of reports and statements are not provided to anyone but the hearing officers. Specific and relevant details contained within the report will be shared verbally at the time of the hearing. In cases that relate to Sexual Misconduct, and only in these cases, both the complainant and the respondent are permitted to access to the investigation packet.

9. The only record which shall be made of an administrative hearing is the written decision of the conduct body, which will be sent electronically to the student (and simultaneously to the person filing the complaint in cases involving sexual misconduct) and maintained in the student's personal file in the Office of Student Affairs. In addition to the conduct decision, an electronic copy of the incident report and any evidence gathered through the investigation will be maintained, but is not a part of the student's file. The software system that Student Conduct utilizes is Maxient and students are required to check those communications.

INTERIM SUSPENSION

Interim Suspension may be imposed only:

1. to ensure the safety and well-being of members of the university community or preservation of university property;
2. to ensure the student's own physical or emotional safety and well-being; or
3. if the student's presence is viewed as either dangerous to persons or property, or disruptive to normal campus functions or to members of the university community.
4. Prior to imposing an interim suspension, Franklin Pierce will undertake an individualized safety and risk analysis and determine that an immediate threat to the physical health or safety of any student or other

individual. If the University determines that removal is necessary, the student will be provided notice and an opportunity to challenge the decision immediately following the removal.

4. During the Interim Suspension, a student is denied access to the residence halls and/or to university premises and/or all other university activities or privileges for which the student might otherwise be eligible, as the Dean of Student Affairs or their designee may determine to be appropriate. Typically, a student will be allowed to continue academic coursework electronically, but this is permitted at the discretion of the faculty member.
5. Any student placed on Interim Suspension must communicate with the Assistant Dean of Student Affairs, or their designee, on the next business day to discuss how the case will proceed.
6. The student may return to campus at the appointed time for the conduct hearing or at such time that the Dean of Student Affairs or their designee determines is appropriate. The student must be escorted by Campus Safety during this time.

NO-CONTACT ORDERS

The purpose of a no-contact order is to protect all parties involved in an alleged incident. The no-contact order is not punitive. The no-contact order prohibits any contact or communication between all parties involved; either directly or through a third party in any form (e.g., all social media, text, phone or any other form of communication).

1. The no-contact order is an administrative order issued by the University and is not a conduct sanction. As such, no-contact orders cannot be appealed.
2. A no-contact order can be issued upon request by any campus community member and is determined to be in the best interest of the parties involved and/or the campus community by any Campus Safety or Residential Life/Student Conduct staff member.
3. Upon receiving a no-contact order it is the responsibility of the student(s) to report any classes/co-curricular activities in which they may have contact with other parties involved. It is the student's responsibility to work with the Faculty/Staff member to determine the necessary course of action to avoid additional violations/conflict. Restrictions to spaces on campus may be included on the No Contact Order.
4. Every non-Title IX/Sexual Misconduct no-contact order will expire on August 1 of the academic year it was issued, unless otherwise specified by the Assistant Dean of Student Affairs. The students involved can request through Student Conduct or Campus Safety a new no-contact order, at the beginning of the new academic year. The no-contact order can also be re-issued if deemed necessary by any staff member of Residential Life or Campus Safety. In cases that relate to Title IX/Sexual Misconduct, no-contact orders will not expire unless requested by the complainant.
5. No Contact Orders are issued electronically through the Maxient software system.

SANCTIONS

Determination of an appropriate sanction shall be based upon the seriousness of the violation and the student's previous disciplinary record. Students are expected to learn sufficiently from the disciplinary process so as not to have repeated violations of the Student Code. Should a student repeatedly violate other sections of the Student Code, the minimum sanction imposed would be at least as severe as the

previous sanction.

1. With the exception of University Expulsion, disciplinary sanctions shall not be recorded on the student's permanent academic transcript but shall become part of the student's electronic record maintained in the conduct management system in the Office of Student Conduct and Community Standards.
2. More than one sanction listed below may be imposed for any single violation. The following sanctions may be imposed upon a student who has violated the Student Code:
3. Written Warning consists of formal notification that the student has violated the Student Code and advises that repetition will result in a more severe sanction. A written record of the warning is made.
4. Educational Sanction is usually imposed in conjunction with another sanction. Educational sanctions may include, but are not limited to, evaluation/counseling, change in residence hall, participation in an educational program, writing a research paper, a supervised work project, etc. The educational sanction must be completed within the manner and time stated as part of the sanction. Participation in certain programs may be withheld or restricted until educational sanctions are completed (e.g. participation in room selection).
5. Restitution is full payment for the cost of damage(s), as determined by the University, of materials and labor for repair or replacement of damaged, destroyed, or stolen university property.
6. Fines may be assessed by the University for certain actions such as (but not limited to) false activation of a fire alarm.
7. Conduct Probation is a serious reprimand for a violation of a specific university policy. The loss of specified privileges may also be involved. Conduct Probation is for a specified period of time, and more severe disciplinary sanction(s) will be imposed should the student further violate any university policy.
8. Ban from a space on campus separates a student from the space they are restricted from for a certain time period.
9. Residence Hall Suspension separates a student from the residence halls for a specified period of time, or until specified conditions are met. A student suspended from the residence halls may continue to attend classes and utilize the University's dining hall. However, the student shall not enter, nor be in the immediate vicinity of, any residence hall; this includes lawn areas, sidewalks, parking lots near the residence halls, etc.
10. Residence Hall Expulsion is a permanent separation of the student from the residence halls. A student expelled from the residence halls shall also lose all future visitation privileges and utilization of the University's dining hall; the rationale for this is that a student permanently separated from the residence halls and group activities shall also lose the privilege of gathering in the dining hall with other students. The student may not enter, nor be in the immediate vicinity of any residence halls.
11. Suspension from Non-Academic Activities is a separation of the student from all nonacademic activities and functions (e.g. visitation to the residence halls, student activities and programs, sport events, intramural/recreation programs, recreation facilities, athletics, etc.) for a specified period of time.
12. Expulsion from Non-Academic Activities is a permanent separation of the student from all nonacademic activities and functions (e.g. visitation to the residence halls, student activities and programs, sport events, intramural/recreation programs, recreation facilities, athletics, etc.).
13. University Suspension is a separation of the student from the University and all university premises, for a specified period of time and/or until certain predetermined conditions are met. Readmission after university suspension is not automatic and must have the approval of the Assistant Dean of Student Affairs.

14. University Expulsion is the permanent separation of the student from the University, and all university premises. The expulsion will be noted on the student's academic transcript as follows "Expelled per Student Code of Conduct," and the effective date of the expulsion will be noted. This notation will be a permanent part of the student's academic transcript.

Individuals who receive University Suspension or University Expulsion will be banned from returning to any university premise or participating in any University events. If an individual is found on or within any university property, they will be subject to arrest for criminal trespass. If a suspended student does not apply for or is not granted readmission, the stipulations of the University Suspension will stay in place permanently (e.g., ban).

THE APPEAL PROCESS

A student found responsible may appeal a decision of any level of the conduct system within five (5) business days of written notification of the decision. A person(s) bringing the complaint or accusation does not have the opportunity for appeal, except in cases involving sexual misconduct. The decision of any appellate authority is final.

The Appeal Authority

1. Appeals presented from cases heard by a Resident Director/Graduate Assistant are directed to the Coordinator of Student Conduct and Community Standards.
2. Appeals presented from cases heard by the Assistant Directors of Residential Life are directed to the Assistant Dean of Student Affairs.
3. Appeals presented from cases heard by the Coordinator of Student Conduct and Community Standards are directed to the Assistant Dean of Student Affairs.
4. Appeals presented from cases heard by the Assistant Dean of Student Affairs or Administrative Hearing Board are directed to the Dean of Student Affairs.

Grounds for Appeal

One or more of the following grounds for appeal must be present; these are the only grounds upon which a conduct decision may be appealed:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The investigator or hearing officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Process for Appeals

The appeal must be submitted electronically utilizing the appeal link in the outcome letter and must identify the specific ground(s) for appeal.

1. The Appellate Authority shall determine what evidence, documentation, etc. is necessary to consider the appeal. The Appellate Authority will not normally meet with the student presenting the appeal; thus, the written appeal should be thorough and complete.

2. If sufficient grounds for appeal are evident, the Appellate Authority will take action on the appeal. Choices of action are to sustain, decrease, increase, modify, or void the sanction. When circumstances warrant, as determined by the Appellate Authority, the case may be referred back to the original level of conduct system for review of the case (e.g. where new evidence exists, which was not available at the time of the original hearing) they may choose to have the case reheard (e.g. the original conduct body was unduly biased). Whenever a case is referred back to the original conduct body, the original sanction, unless modified or vacated by the Appellate Authority, will remain in full force and effect, pending such further review or rehearing. The outcome of the new hearing, whether by the original body or a new one, becomes the final decision on the case.
3. If sufficient grounds for appeal are not evident, the Appellate Authority will identify this to be the case, and the appeal will not be heard; the original sanction will stand.

The outcome of the appeal will be delivered electronically to the student (in cases of sexual misconduct, the appellate decision will be delivered to both parties involved) and maintained in the student's personal file in the Office of Student Affairs. Sanctions are in effect immediately, unless appealed.

NOTICE TO OTHERS

Parents or guardians of undergraduate students will be informed in any instance of their student being sanctioned with Conduct Probation or a more severe sanction. A student's academic advisor and/or coach through the Department of Athletics will also be informed in any instance of a student being investigated, the notification of alleged violations and the student being sanctioned. In cases of Title IX Grievance Policy or Sexual Misconduct, the hearing board chair will determine if the student's academic advisor and/or coach have a legitimate educational need to know. Administrators/staff determined to have a legitimate educational need to know will also be notified.

UNIVERSITY CHANGES TO STUDENT CODE OF CONDUCT

The University reserves the right to add, change, or remove any policies, procedures, or substantive provisions indicated in this document as needed due to a pandemic or national/regional/local emergency. These changes may be made at any time by the University for any reason without notice in order to ensure the health and safety of the University community. The University community will be made aware of major changes to this document in a timely manner via the University email system as deemed necessary by the Dean of Student Affairs or their designee. All changes made to this document will be reflected at the following link: <https://www.franklinpierce.edu/studentlife/student-conduct/Code-of-Conduct-2020-21.pdf>.