

FranklinPierce

U N I V E R S I T Y

College of Graduate &
Professional Studies

FRANKLIN PIERCE UNIVERSITY

**COLLEGE OF GRADUATE AND PROFESSIONAL STUDIES
STUDENT CODE OF CONDUCT**

Updated December 2015

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Dear College of Graduate and Professional Studies Student,

This document is an affirmation of the University's belief that every student has the obligation and responsibility to understand and appreciate that this is an academic community, dedicated to the free and open examination and exchange of ideas in the pursuit of knowledge.

As in any society, our academic community recognizes the necessity to establish clearly defined standards of behavior that are intended to preserve and protect our educational mission. To this point, the College of Graduate and Professional Studies Student Code of Conduct expresses those values and beliefs to which the entire University community is committed. It is our expectation that each of you will share in this understanding and adopt these values and beliefs in your professional lives.

Through your admission to the College of Graduate and Professional Studies at Franklin Pierce University, you have joined the proud company of the Pierce Family. We are here to serve you, and we expect that each of you will approach this experience with a genuine desire to learn, a willingness to be receptive to new ideas, and with a commitment to actively question and be constructively challenging and respectful in all of your academic and social relationships. We strongly believe that three things are very important to your success: respect for self, respect for other students and the need to be responsible for your actions.

We welcome you to our academic community, we look forward to sharing this experience with you and we hope that your studies at Franklin Pierce University are rewarding and fruitful.

Maria Altobello

Dean of the College of Graduate and Professional Studies

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FRANKLIN PIERCE UNIVERSITY/CGPS

STUDENT CODE OF CONDUCT

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. Hence, the development of responsible conduct is promoted by the Franklin Pierce Community. 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 right of each student, and does not view itself as a sanctuary from the law.

ARTICLE I: DEFINITIONS

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 instructional 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 Dean of the College of Graduate and Professional Studies.
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 term "organization" means any number of persons who have complied with formal requirements for recognition by the University.
8. The term "appellate authority" means any person or persons authorized by this document or by the Dean of the College of Graduate and Professional Studies to consider an appeal resulting from a determination that a student has violated the Student Code or from the sanctions imposed.
9. The term "shall" is used in the imperative sense.
10. The term "may" is used in the permissive sense.
11. The term "policy" is defined as the written regulations of the University as found in, but not limited to this document, the Student Handbook, the University Catalog and other programmatic handbooks.
12. The term "advisor" is defined as a member of the University community (faculty, staff or student) selected by an accused student to assist him/her at a hearing. The role of the advisor is limited to direct assistance to the student; as it is the responsibility of the student to present his/her own testimony, evidence, etc., the advisor may not address the Hearing Officer or his/her designee, directly or on behalf of the student unless requested by the Hearing Officer or his/her designee to do so, or, upon request of the accused student, the Hearing Officer or his/her designee grants such request upon good cause shown. A student bringing a complaint to the Hearing Officer or his/her designee may also have an advisor of his/her choosing from within the university community. (See also

Article IV. Judicial System and Process, C. Hearing Procedures, d).

13. The term "sanction" is defined as the action issued by the judicial body as a result of a student being found to be in violation of a university regulation. Such action may be educational and/or punitive in nature.
14. The term "center" refers to the CGPS locations. The one exception is Goodyear, AZ which is designated as a campus.
15. The term "Academic Director" refers to program directors for each of the Graduate degree programs.

ARTICLE II: JUDICIAL AUTHORITY

1. The Dean of the College of Graduate and Professional Studies (CGPS) is the person designated by the University President to be responsible for the oversight and administration of the College of Graduate and Professional Studies Student Code, to include determination of definition of all policies and statements within the Code. The Dean of CGPS will work in concert with the Vice President of Student Affairs at the campus in Rindge when appropriate.
2. The Associate Dean serves as coordinator of the CGPS Student Code of Conduct in accordance with this document and established university policies. The Associate Dean shall determine whether or not charges are brought against a student, and which judicial authority shall be authorized to hear the case.
3. The Dean of the College of Graduate and Professional Studies shall develop policies for the administration of the procedural rules for the conduct of hearings, which are consistent with provisions of this document and established university policies.
4. Decisions made by appointee judicial body shall be final, pending the established appeal and review process.
5. The Dean of the College of Graduate and Professional Studies may designate University community member to serve as arbiter of disputes within the student community in cases which do not involve a violation of the Student Code. All parties must agree to arbitration, and agree to be bound by the arbitrated decision.

ARTICLE III: PRESCRIBED CONDUCT

A. JURISDICTION OF THE UNIVERSITY

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

B. CONDUCT - RULES AND REGULATIONS

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV.

1. **Acts of dishonesty**, including but not limited to, the following:
 - a. Furnishing false information to any university official, faculty member or office.
 - b. Forgery, alteration, or misuse of any university document, record, or instrument of identification.
2. **Physical abuse** to include any physical act which is abusive, intimidates, threatens, or endangers the health or safety of any person.
3. **Sexual Misconduct** includes all forms of sexual harassment, sexual violence, and sexual discrimination.
 - a. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's performance in the classroom, and creates an intimidating, hostile, or offensive environment in which to live and learn.
 - b. Sexual violence includes non-consensual sexual intercourse, non-consensual sexual contact and sexual exploitation.
 1. Non-consensual sexual intercourse includes, but is not limited to, penetration of bodily orifice (vagina, anus, or mouth) by an object or body part, or attempts to commit the same, without effective consent.
 2. Non-consensual sexual contact includes, but is not limited to, physical contact or direct physical contact of the clothing covering a body part in a sexual nature (i.e., touching breast, buttocks, or pubic area) of anyone without his or her effective consent. In addition, any disrobing or other exposure to another without effective consent also constitutes non-consensual sexual contact. Any direct physical contact.
 3. Sexual exploitation occurs when one person takes advantage of another without his or her consent for his/her own benefit, or to the benefit of anyone other than the person being exploited (examples might include: non-consensual video, photography, audio-taping, or other mediums such as the internet; peeping or voyeurism).
 - c. Sexual Discrimination includes any behavior that is discriminatory or abusive towards the opposite sex.
 - d. Domestic Violence includes asserted violent misdemeanor and felony offenses committed by the victim's current and former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under the domestic or family law.

- e. Dating Violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type and frequency of interaction.
- f. Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer emotional distress.

For the purpose of Franklin Pierce University's policy and judicial procedures, consent is defined as the act of willingly agreeing to engage in specific sexual behavior. Silence or non-communication is not to be interpreted as consent and a person in a state of diminished judgment cannot consent. Consent requires that a person is able to freely choose between two options: yes and no. A person is incapable of giving consent if he/she is asleep, unconscious or otherwise unable to communicate. No one who has been threatened or coerced or drugged can consent. A person may be unable to give consent when he/she is under the influence of alcohol and/or drugs or is mentally handicapped. A current or prior sexual or dating relationship does not constitute consent. A person can withdraw consent at any time during the course of a sexual encounter. Pursuing sexual contact in any form whatsoever with an unwilling or non-consenting partner is sexual assault. How exactly we know when the person we're with is consenting to, or refusing a sexual advance can be at times difficult to discern; nevertheless the entire responsibility for correct discernment is upon the person making the advance. Both the accuser and accused will be informed of the outcome of any campus disciplinary proceedings involving sexual misconduct.

- 4. **Acts which endanger the safety or welfare of any person(s)** to include, but not limited to, the "propping open" of a campus facility entrance door, the removal of screens from windows, etc.
- 5. **Verbal 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** which is lewd, indecent or a breach of peace. This is to include, but not be limited to, obstruction or disruption of teaching, research, study, administration, disciplinary 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 state 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 laws of the State of New Hampshire. As members of the general public in this state, students are charged with full knowledge of these laws.
- b. Open containers of alcohol are prohibited in all CGPS centers or campus buildings and in public areas such as parking lots.
 - c. Intoxication as exhibited by impaired behavior is prohibited and will subject the student to disciplinary action.
 - d. A student's presence where any aspect of the alcohol policy is being violated, even if he/she is not directly involved in the specific act, constitutes a violation of university policy. This policy is in recognition of the responsibility every student has to uphold community standards, including the Student Code; a student who passively, or actively, supports another's violation of university policy is not upholding such standards. Students are referred to #22 below for further clarification of what is expected. This provision also applies to actions of student's guest(s), as specified in paragraph #21 below.
 - e. The involvement of alcohol and/or other drugs is not considered a legitimate excuse for violation of university policy. Irresponsible behavior related to alcohol use will be regarded as a violation of the Student Code.
 - f. Providing or selling alcohol to a person under the age of 21 or a person impaired by alcohol is prohibited.
8. **Use, possession, or distribution of narcotics or other controlled substances,** except as expressly permitted by law (e.g. prescription drugs), is forbidden. Federal and state law regarding narcotics and controlled substances shall be strictly observed and enforced. Ordinarily when University Officials encounter what they suspect to be a violation of this policy, notification will be made to the local law enforcement agency.

It shall also be considered a violation of this code to sell any substance believed to be a drug/narcotic by either the "seller" or "buyer," which is not a controlled substance.

Drug related devices are forbidden on university premises, in addition to being University policy; this is in accordance with state law.

A student's physical presence, where any aspect of the narcotics or other controlled substances policy (including alcohol) is being violated, even if he/she is not directly involved or does not participate in the specific act, constitutes a violation of university policy provided that the student knew that such violations were occurring in his/her presence. This policy is in recognition of the responsibility every student has to uphold community standards, including the Student Code, a student who passively or actively supports another's violation of university policy is not upholding such standards, see #22 below. This provision

also applies to actions of a student's guest(s), as specified in paragraph #21 below.

9. **Theft**, or attempted theft, of property, belonging to the University, a member of the university community, or a campus/center guest is a violation of the Student Code. Included in this policy is the removal of university property from its designated place.
10. **Unauthorized Access**, into non-public areas of a satellite center location, or access after-hours, is in violation of the Student Code.
11. **Vandalism**, damage to, or attempted damage to property belonging to the University, a member of the university community, or a campus/center guest is an offense to the community and violation of the Student Code. Included in this policy is the "trashing" of public areas.
12. **Misuse or abuse of fire safety equipment**, including the setting of false alarms, the misuse of emergency exits, the wrongful discharge of fire extinguishers, or tampering with alarm systems, sprinkler systems, and smoke alarms constitutes a serious violation of the Student Code. Such violations endanger the life safety of the community. Further, students are required to evacuate any building in which a fire alarm is sounded. Students may be fined for activation of an alarm system as established by a town ordinance in any of the communities in which a CGPS center is located (see Article IV, Section F, number 4).
13. **Possession or use of firearms, other weapons, or explosives**, is not permitted on any campus or center. Violation of this policy is considered a serious offense and may lead to immediate separation from the university. Examples of weapons or explosives include, but are not limited to: fireworks, handguns, rifles, pellet guns, BB guns, swords, bows and arrows, martial arts weapons, brass knuckles or small pocket knives. The University does not store weapons or explosives nor may they be stored at the center.
14. **Failure to comply** with the directions of a university official in the performance of his/her duties or **failure to identify oneself** to a university official with appropriate identification when requested to do so is a violation of the Student Code.
15. **Abuse of the Judicial Process**. This policy shall include, but not be limited to:
 - a. Failure to obey the summons of a judicial body or university official;
 - b. Falsification, distortion, or misrepresentation of information before a university official;
 - c. Disruption or interference with the orderly conduct of a judicial proceeding;
 - d. Initiating a judicial charge knowingly without cause;
 - e. Attempting to discourage, hinder or prevent an individual's proper participation in, or use of, the judicial process;
 - f. Harassment (verbal or physical) and/or intimidation of a university official or

- witness prior to, during, and/or after a judicial proceeding;
- g. Failure to comply fully with the sanction(s) imposed by a judicial body under the Student Code; and or
 - h. Influencing or attempting to influence the integrity and/or the impartiality of a university official or witness prior to, and/or during the course of the judicial proceedings.
16. **Littering** or failure to dispose of trash and other discarded materials in the proper receptacles. This includes, but is not limited to, recyclable materials, and cigarette butts. Per NH Law, smoking is prohibited within 10 feet of all university properties and may be more restricted per lease agreement at some CGPS sites.
 17. **Violation of any federal, state or local law.** As the University is part of a larger community, students are expected to observe all federal, state and local laws, in addition to university policies.
 18. **Participation in a campus or center demonstration which disrupts the operations of the University** and infringes on the rights of other members of the university community; leading others to disrupt scheduled and/or normal activities on university premises; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on the Rindge campus or at a CGPS site.
 19. **Violation of published university policy rules or regulations included in this publication, but not limited to it are:** All regulations contained in the Program/Student Handbooks, University Catalog, Code of Conduct, and any other university publications or correspondence from University administration.
 20. Theft or other abuse of the University's technological equipment or services (i.e. computers, services, learning management systems, 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;
 - f. Use of the telecommunications and computing system to harass (including obscene and/or abusive messages), intimidate, or threaten another individual; and/or
 - g. Violation of any rules outlined in the student computer use policy.
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21. **Actions of a student's guest, 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) shall be required to leave university premises immediately, be forbidden on university premises in the future, and the host student may face disciplinary action as if he/she himself/herself had violated the policy.
22. **Actively or passively supporting another individual to violate any university policy.** The intent of this policy is to advise students of their responsibilities within the university community. All students are expected to behave in a responsible manner while enrolled in the College of Graduate and Professional Studies at Franklin Pierce University, as well as in the course of normal participation in any community. In the circumstance that a student becomes aware of real or potential violation(s) of university policy, then specific behavioral responses are expected to include advising others that such action is a violation of policy, informing a university official of the violation and not participating in the violation by remaining passively present.

C. VIOLATION OF LAW AND UNIVERSITY DISCIPLINE

1. If a student is charged with an off-campus/center violation of federal, state, or local law, this may constitute a violation of the Student Code (see #17 in previous section). Disciplinary action may be taken and sanctions imposed.
2. University disciplinary proceedings may be instituted against a student charged with violation of a law, which is also a violation of the Student Code. For example, if a student violates the Student Code with an action which also results in criminal and/or civil charges, university disciplinary proceedings will be followed. The University's proceedings are separate and distinct from criminal proceedings; therefore, action by the University will not be impeded by, nor influenced by, criminal or civil litigation. Proceedings under the Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
3. 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 his/her status as a student. If the alleged offense is also the subject of a proceeding before a judicial 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. The University will cooperate, as appropriate, with law enforcement and other agencies in the enforcement of criminal law on campus or at the satellite centers.

ARTICLE IV: JUDICIAL SYSTEM AND PROCESS

A. THE JUDICIAL 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 Associate Dean of the College of Graduate and Professional Studies. Any complaint should be submitted as soon as possible after the incident related to the complaint(s). The Associate Dean of the College of Graduate and Professional Studies may ask University staff member(s), deemed appropriate, to investigate the complaint.
2. The Associate Dean of the College of Graduate and Professional Studies shall determine if charges should be initiated and will appoint a hearing officer to hear and decide the case.
3. If a student is charged, or is in the process of being charge, with a violation of the Student Code of Conduct, he/she will not be permitted to withdraw from the University. A student may not escape judicial or financial responsibilities through the withdrawal or leave of absence process. Students must receive permission to withdraw or exercise a leave through the Associate Dean or his/her designee.

B. THE JUDICIAL SYSTEM

The judicial body in CGPS are designated by the CGPS Associate Dean as follows:

1. Graduate students- The Associate Dean will name the hearing officer to adjudicate complaints against a graduate student. Generally, complaints against a graduate student are heard by the academic Program Director of the program in which the student is matriculated. The hearing officer may appoint one or more members of the university community to hear the complaint.
2. Undergraduate students – The Associate Dean will name a university staff member to be the hearing officer to adjudicate complaints against undergraduate students. The hearing officer may appoint one or more members of the university community to hear the complaint.

The scheduling of any disciplinary hearing will be done as expeditiously as possible. Hearings will thus occur within fourteen (14) business days of student being charged with an alleged violation of the Code of Conduct.

At the discretion of the Associate Dean of the College of Graduate and Professional Studies, the Office of Campus Safety will assist with the judicial process. This includes, but not limited to, the filing of complaints, and the investigation of complaints.

C. HEARING PROCEDURES

1. Hearings include cases heard for both graduate and undergraduate students.
 - a. The accused student shall receive a letter electronically from the hearing officer assigned by the Associate Dean requesting a meeting 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. It is the responsibility of every student to check his/her university email account on a daily basis to receive hearing information, as well as other important university communications.
 - b. Each student is expected to attend his/her hearing. If the student fails to meet with the judicial body by the date specified, the judicial body shall decide the matter, to include disciplinary sanction, without the benefit of the accused student's input.
 - c. A hearing is normally conducted as an educational dialogue between the judicial body and the accused student; an educational dialogue has the full participation of all parties and is done for the purpose of learning from the situation, as well as upholding community standards. The only witnesses permitted to present testimony to 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 hearing officer. Both the accused and complainant have the right to bring witnesses. Hearings are conducted in private. Decisions regarding who is present beyond the accused, complainant, and approved witnesses will be at the complete discretion of the assigned hearing officer.
 - d. An accused student or complainant may have an advisor of his/her 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 accused student. It is the student's responsibility to present all aspects of his/her own defense. 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 (e.g., parents, attorney, etc.). However, the hearing officer must be advised of this at least 48 hours prior to the time of the hearing, and the advisor must abide by the same rules as outlined above for other advisors. (Also see Article I, Definitions, #12).
 - e. The judicial body's decision shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
 - f. The only record which shall be made of a hearing is the written decision of the judicial 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 addition to the judicial decision, an electronic copy of the incident report and any evidence

gathered through the investigation will be maintained.

D. INTERIM SUSPENSION

1. Interim Suspension may be imposed by the CGPS Dean or designee, only: a) to ensure the safety and well-being of members of the university community or preservation of university property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student's presence is viewed as either dangerous to persons or property, or disruptive to normal campus/center functions or to members of the university community.
2. During the Interim Suspension, a student is denied access to all Franklin Pierce University CGPS centers and the Rindge campus unless otherwise indicated and/or all other university activities or privileges for which the student might otherwise be eligible, as the Dean of the College of Graduate and Professional Studies or his/her designee may determine to be appropriate.
3. The student may return to a satellite center at the appointed time for his/her hearing or at such time as the Dean of the College of Graduate and Professional Studies deems appropriate.

E. NO-CONTACT ORDERS

1. 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 University-related contact or communication between all parties involved; either directly or through a third party in any form (i.e., Facebook, texting, phone, Twitter, notes or any other form of communication) thus creating a more serious situation.
2. The no-contact order is an administrative order issued by the University and is not a judicial sanction. As such, no-contact orders cannot be appealed.
3. A no-contact order can be issued by the CGPS Dean or designee upon request of any campus/center community member when it is determined to be in the best interest of the parties involved and/or the campus community.
4. Every no-contact order will expire on August 31st of the academic year it was issued. The parties involved may request the CGPS Dean or designee issue a new no-contact order, at the beginning of the new academic year.

F. THE APPEAL PROCESS

An accused student may appeal a decision of the judicial body within five (5) 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.

1. The Appeal Authority

Appeals are heard by the university official to which the hearing officer rendering the decision reports.

2. Grounds for Appeal

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

- a. There is significant new information relevant to the case which was not available at the time of the original hearing.
- b. There is evidence that the person(s) who held the original hearing was unduly biased in deciding the matter.
- c. The sanction imposed was capricious (e.g. the sanction was excessive when compared with previous sanctions for similar violations under similar circumstances for students with similar disciplinary records).

3. Process for Appeals

- a. The appeal must be in writing and must state the specific ground(s) for appeal.
- b. The appeal must be delivered to the appropriate Appellate Authority.
- c. 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.
- d. 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 judicial body for review of the case (e.g. where new evidence exists, which was not available at the time of the original hearing) or he/she may choose to have the case reheard (e.g. the original hearing was unduly biased). Whenever a case is referred back to the original judicial 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 hearing officer or a new one, becomes the final decision on the case.
- e. 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.
- f. The outcome of the appeal will be delivered electronically to the student (in

cases of sexual misconduct, the appellate decisions will be delivered to both parties involved) and maintained in the student's personal file.

4. Status of a Student during an Appeal

Normally the sanction determined by the judicial body shall be in effect immediately and remain in effect, pending the appeal process. Any exception to this may only be made with the approval of the Dean of CGPS and shall only be made for rare and extenuating circumstances.

Should the sanction be to separate a student from the University (University Suspension or University Expulsion), the Dean of the College of Graduate and Professional Studies in consultation with the CGPS Associate Dean, may allow a student to continue in classes if the student is not seen as a threat or danger to any member of the university community, or as a source of disruption to the normal operations to the university community. This provision is to prevent the assumption of the resolution, of the appeal process. Should the appeal process result in the original sanction being upheld, the student will be withdrawn from all enrolled classes as of the date of the original sanction, in accordance with policy recommended by the University's Academic Standards Committees.

G. NOTICE TO ACADEMIC ADVISORS

A student's academic advisor will be informed in any instance of the student being sanctioned with Censure or a more severe sanction. Administrators/staff, determined by the CGPS Dean, to have a legitimate need to know will also be notified to provide additional student support.

H. SANCTIONS

1. 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.
2. Violations relating to damage and/or vandalism will result in restitution.
3. Violations regarding the false activation of a fire alarm system may result in fines determined by the city/town in which a CGPS center is located.
4. 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 personal record. Upon graduation, the student's personal record may be expunged of disciplinary sanctions with the exception of

University Expulsion, upon written application by the student to (and approved by) the Dean of the College of Graduate and Professional Studies

5. Failure to comply fully with the conditions of any imposed sanction shall lead to more serious disciplinary action, including the possibility of suspension or expulsion from the University.
6. The following sanctions may be imposed upon a student who has violated the Student Code. More than one sanction may be imposed for any single violation.
 - a. **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.
 - b. **Educational Sanction** is a non-punitive sanction usually imposed in conjunction with another sanction. Educational sanctions may include, but are not limited to, professional counseling. The educational sanction must be completed within the manner and time stated as part of the sanction.
 - c. **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 college property.
 - d. **Fines** may be assessed by the University for certain actions such as (but not limited to) false activation of a fire alarm.
 - e. **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.
 - f. **University Suspension** is a separation of the student from the University and all university premises, for a specified period of time, or until certain predetermined conditions are met. Readmission after university suspension is not automatic and must have the approval of the Dean of the College of Graduate and Professional Studies.
 - g. **Center/Campus Suspension** is a separation of the student from one or more centers/campus with the university for a specified period of time or until certain predetermined conditions are met. Approval to take courses at another center/campus or online requires the approval of the Dean of the College of Graduate and Professional Studies.
 - h. **Suspension from Non-Academic Activities** is a separation of the student from all nonacademic activities and functions for a specified period of time.
 - i. **Expulsion from Non-Academic Activities** is a permanent separation of the student from all nonacademic activities and functions.
 - j. **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.

I. RINDGE STUDENTS TAKING COURSES ON THE COLLEGE OF GRADUATE AND PROFESSIONAL STUDIES CENTERS

Rindge students who take courses at the College of Graduate and Professional Studies centers are expected to fully comply with the Student Code of Conduct described in this document. CGPS administrators will work together with the Assistant Dean of Student Affairs and the Vice President for Student Affairs at the Rindge campus to determine appropriate sanctions if necessary involving these students and their relationship both with the College of Graduate and Professional Studies and their home campus in

Rindge:

Likewise, the College of Graduate and Professional Studies students taking courses on the Rindge campus are expected to fully comply with the Student Code of Conduct applicable to Rindge students. CGPS administrators will work together with the Assistant Dean of Student Affairs and the Vice President for Student Affairs at the Rindge campus to determine appropriate sanctions if necessary involving these students and their relationship both with the Rindge campus and their identified College of Graduate and Professional Studies home center.

Graduate Programs:

Graduate program-specific additional behavioral expectations may be added to conduct requirements. The process for handling offenses in these programs will follow the policies established by the program and the University.

J. REVIEW BY PRESIDENT OF THE UNIVERSITY

In all matters concerning this Code, the decision of the University President is final. The University President reserves the right to review all decisions related to student judicial affairs and may sustain, decrease, increase, modify, or void the sanction. When circumstances warrant, as determined by the University President, the case may be referred back to the original level of the judicial system for review of the case (e.g. when new evidence exists which was not available at the time of the original hearing).

K. CAMPUS CRIME REPORT

The Franklin Pierce University Crime Report has been compiled in compliance

with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The booklet is available in hard copy at Campus Safety, in the St. Peter's building, 40 University Drive, Rindge NH 03461. GPS Campus specific information is available in electronic form at:

<http://franklinpierce.edu/studentlife/dst/clery/CleryBooklet.pdf>

If you have any questions please contact:

Director of Campus Safety

603-899-4210

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