



STUDENT CODE OF CONDUCT

Office of Student Conduct and Community Standards
Division of Student Affairs

June 2017

Dear Student,

The Student Code of Conduct represents the collective leadership efforts of faculty, students, and administration who are involved with the University's judicial system. Their contributions to this document reflect a connected effort to develop within our student body a strong, personal awareness of individual responsibility towards one's self, toward fellow students, and toward the entire university community and all that it represents. 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. That is why our University exists, and it is to this purpose that our faculty, administration, alumni, and trustees have committed themselves.

As in any society, our academic community recognizes the necessity to establish clearly defined standards of behavior that are defined to preserve and protect our educational mission. To this point, the Student Code of Conduct expresses those values and beliefs to which the 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 personal lives.

Through your admission to Franklin Pierce University, you joined the proud company of the Pierce Family. As in any caring, supportive family, our community is dedicated to every aspect of your well-being—academic, social, physical, and spiritual. 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 welcome you to our academic community: we look forward to sharing this experience with you. We hope that your years at Franklin Pierce University will contribute significantly to your future.

Sincerely,

Jim Earle, Ph.D.
Vice President for 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 right of each student, and does not view itself as a sanctuary from the law.

MISSION STATEMENT

Franklin Pierce University, College at Rindge, 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 judicial 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, College at Rindge, is committed to creating and maintaining a safe and productive learning community with its students. It is expected that each person will grow to have a greater respect for self, others, and property.

The philosophy of the Student Conduct is one of education. Franklin Pierce University has developed a judicial system, which will assist students as lifelong learners. This will facilitate the students' cognitive and social development. Our goal 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

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 "judicial body" and "hearing officer(s)" means any person or persons authorized by this document or by the Vice President for 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 Vice President for Student Affairs to consider an appeal resulting from a judicial 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, the University Catalog, and the Honor Code.

13. The term “advisor” is defined as a member of the University community (faculty, staff or student) selected by an respondent for support at any judicial 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 his or her 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. Judicial System and Process, 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 judicial 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 code.

ARTICLE II: JUDICIAL AUTHORITY

1. The Vice President for Student Affairs is the person designated by the University President to be responsible for the oversight and administration of the Franklin Pierce University, College at Rindge 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 judicial 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 judicial body or appellate authority shall be authorized to hear each case, and shall work in cooperation with the advisor for the Judicial Board to provide appropriate training and orientation for successful accomplishment of the Judicial Board’s responsibilities.
3. The Vice President for Student Affairs shall develop policies for the administration of the judicial system and procedural rules for the conduct of hearings, which are consistent with provisions of this document and established university policies.
4. The University is responsible for the investigation of all possible violators of this code. Investigations will typically be investigated by either Campus

Safety or the Department of Residential Life, or other staff member deemed appropriate by the Assistant Dean of Student Affairs.

5. Decisions made by a judicial body shall be final, pending the established appeal and review process.
6. A judicial body may be designated 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.
7. Violations of the University's Honor Code/Academic Catalog and Student Code of Conduct relating to academic integrity are referred to the Dean of the College at Rindge. In cases involving academic integrity and other Student Code of Conduct violations, the Assistant Dean of Student Affairs and the Dean of the College at Rindge, 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 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 the Rindge Campus (i.e. Study Abroad, The Walk, Internships) are subject to student conduct regulations described in this **Code of Conduct**, in addition to any laws governing the country where they are studying. Authority for the code may be delegated to Field Directors/Advisors by the Assistant 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:
 - Cheating, plagiarism, or other forms of academic dishonesty. (See Academic Catalogue: "Plagiarism or Other Forms of Cheating").
 - Furnishing false information to or withholding pertinent information to an investigation from any University official, faculty member or office (e.g. failing to produce University identification to a University official).

- Forgery, alteration, or misuse of any University document, record, or instrument of identification.
 - 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 includes all forms of sexual harassment, sexual violence, and sexual discrimination, domestic violence, dating violence, and stalking.
 - 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.
 - Sexual violence includes non-consensual (definition of consent is below) sexual intercourse, non-consensual sexual contact and sexual exploitation.
 - * 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.
 - * 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.
 - * Sexual exploitation occurs when one person takes advantage of another without their consent for one's 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).
 - Sexual Discrimination includes any behavior that is discriminatory or abusive towards the opposite sex.
 - Domestic Violence includes asserted violent misdemeanor and felony offenses committed by the victim's current and/or former partner, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under the domestic or family law.
 - Dating Violence means violence by a person who has been/or is currently 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.
 - Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for their, or for 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 that individual 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 that individual 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 complainant and respondent will be informed of the outcome of any campus disciplinary proceedings involving sexual misconduct.

4. Acts which endanger the safety, welfare or well-being of any person(s). Examples to include, but not limited to, the "propping" of a residence hall entrance door, exiting an emergency door, breaking glass outside of buildings, blocking fire egresses, dismantling locks or other building safety equipment, covering smoke detectors, traffic violations, etc.
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, disciplinary proceedings, other university programs and activities or other authorized non-university activity on university premises. Please refer to the University Honor Code for expectations of being a member of the Franklin Pierce community.
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.

Additionally, the University has designated certain residence halls (such as Mt. Washington, New Hampshire, Granite, Monadnock, Edgewood, Cheshire and any residential housing designated as "Wellness Housing" by the Director of Residential Life) as alcohol-free, or as "dry," as these buildings primarily house students under 21. No student, regardless of

- age, may possess or consume alcoholic beverages in these buildings or other residential areas designated by the Director of Residential Life.
- b. Open containers of alcohol are prohibited in public areas (i.e. residence hall lounges, hallways, stairwells, stoops, parking lots, courtyards, etc.).
 - 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. "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. Consumption of alcohol should at all times be responsible. Therefore, the University will not tolerate irresponsible 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. [See Student Handbook confiscated items]
 - f. All policies related to social gatherings (parties) involving alcohol in the residence halls or the Raven's Nest are administered by the Director of Residential Life (for residence halls) or the Assistant Dean for Student Involvement (for Raven's Nest). Students shall adhere to these stated policies. The University may prohibit social gatherings in designated residence halls without warning.
 - g. A student's presence where any aspect of the alcohol policy is being violated, even if that student 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 and the Honor Code; a student who passively, or actively, supports another's violation of university policy is not upholding such standards. Students are referred to #23 below for further clarification of what is expected. This provision also applies to actions of student's guest(s), as specified in paragraph # 22 below.
 - h. 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.
 - i. Providing, distributing or selling alcohol to a person under the age of 21 or a person impaired by alcohol is prohibited.
 - j. Glass beer bottles are prohibited on the University campus, except at University sponsored, catered events.
 - k. Full and/or empty alcohol containers (i.e., cans and boxes, wine bottles and boxes, and spirit bottles) cannot be displayed in the residence halls where they are reasonably visible from the exterior of the building (e.g., through windows or exterior doors when they are open). Such displays are not permitted in any area within Granite, Mount Washington, New Hampshire, Cheshire, Monadnock or Edgewood. The rationale for this

policy is the concern about what perception these decorations create about student behavior (SGA, 2014-15 Session).

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 the student 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 their presence. This policy is in recognition of the responsibility every student has to uphold community standards, including the Student Code and Honor Code, a student who passively or actively supports another's violation of university policy is not upholding such standards, see #23 below. This provision also applies to actions of a student's guest(s), as specified in paragraph #22 below.

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 of the Student Code. Included in this policy is the removal of university property from its designated place (e.g., removal of lounge furniture to a student's room).
10. Illegal entry, or any attempt to illegally enter a student's room or other unauthorized location by a student or student's guest, without the permission of one or more residents of the room or approved personnel is a 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 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 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 of the Student Code. 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 as established by the town ordinance (see Article IV, Section F, number 3).
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 issued by Campus Safety, when requested to do so is a violation of the Student Code.
 15. Abuse of the Judicial System. 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 judicial body;
 - 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 present an individual's proper participation in, or use of, the judicial system;
 - f. Harassment (verbal or physical) and/or intimidation of a member of a judicial body 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 member of a judicial body or witness prior to, and/or during the course of the judicial 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. This includes, but is not limited to, recyclable materials, and cigarette butts.
 18. Violation of published University policies, rules, or regulations. Included in this policy, but not limited to are:
 - a. 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, spring weekend policies, senior week policies, etc.
 - b. All regulations contained within the **College at Rindge Student**

Handbook, University Catalog, College at Rindge Code of Conduct and any other University publication.

- c. The University Honor Code. The signing of this document is ceremonial. In accepting admission and matriculating in the University, one agrees to uphold and abide by the Honor Code. It is every student's responsibility to read, understand, and abide by these principles.
19. 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.
20. Participation in a campus 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 campus.
21. Theft or other abuse 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. Violation of any rules outlined in the student computer use policy.
22. 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) 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 they or their guest have violated a policy.
23. 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 campus community. All students are expected to behave in a responsible manner while enrolled 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.

24. Retaliation. The Federal civil rights laws make it unlawful to retaliate against an individual for the purpose of interfering with any protected right or privilege. This means that it is both unlawful and a violation of FPU policy and its Student Code of Conduct to take any adverse action against any person for their reporting of either a formal or informal complaint or in any way participating in the investigation or resolution of a complaint. Retaliation 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 complaint process.
25. Hazing is a violation of New Hampshire law and University policy. Any student violating this policy will be subject to disciplinary action and will be reported to law enforcement authorities. In addition, when this policy is violated, action may be taken against all participants. Hazing risks human lives, mistreats those involved and jeopardizes the affiliation of campus organizations at the University. Hazing 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.
26. Smoking is prohibited in all residence halls and university buildings, as well as within 25 feet of any dwelling egress or window.

C. VIOLATION OF LAW AND UNIVERSITY DISCIPLINE

1. If a student is charged with an off-campus violation of federal, state, or local law, this may constitute a violation of the Student Code (see #19 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 their 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.

4. If a student is the victim of any crime, the student is encouraged to report it to law enforcement officials. Campus Safety or Residential Life or can assist the student in contacting the local law enforcement agency.

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 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 Residential Life 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 authority shall have jurisdiction to hear and decide the case.
3. If a student is charged or is in the process of being charged with a violation of the Student Code of Conduct, the student 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 Assistant Dean or their designee.

B. THE JUDICIAL SYSTEM

There are four types of judicial bodies within the University's judicial system on the College at Rindge campus. The first body is the Experience Director (or Graduate Assistant), the second body is the Director of Residential Life, the third body is the Assistant Dean of Student Affairs, and; the fourth body is Hearing Boards. At any time, however, the Vice President for Student Affairs may choose at their discretion to hear any case in place of another judicial body. The Vice President for Student Affairs may invite other members of the community to assist in hearing the case.

With the exception of Judicial Board hearings, cases will be heard administratively on an informal basis. Administrative hearings are to take the form of an educational dialogue with the involved student(s). The only record maintained in administrative hearings and judicial board hearings will be electronic case reports, statements, investigation reports and the decision of the judicial body. The charge letter and written decision of the judicial body will be placed in the student file. Judicial Board hearings will take place on a more formal basis.

1. The Experience Director (or Graduate Assistant) is responsible for those cases that are lower level incidents and are related to the residence halls. Hearings are structured on an informal basis and the Experience Director is limited to the following types of sanctions: Written Warning, Educational Sanction, Fines, Restitution, and Conduct Probation (see Section G).
2. The Director of Residential Life and the Assistant Dean of Student Affairs are responsible for higher level cases. Hearings are structured on an informal basis. The Director/Assistant Dean may impose any sanction listed within the Student Code, provided that a sanction issued is consistent within the guidelines for such sanctions (see Section G).
3. Hearing Boards. In certain cases, the Assistant Dean of Student Affairs may opt to refer cases to one of two types of hearing boards, either a student Judicial Board or an administrative hearing board.
 - a. The Judicial Board is comprised of students who go through an application, interview and training process. The Judicial Board hears cases referred by the Assistant Dean of Student Affairs, and advises the Assistant Dean of Student Affairs as to whether or not the respondent violated the Student Code and recommends a sanction(s) when appropriate. The Judicial Board is advisory in nature, and final decisions are the responsibility of the Assistant Dean of Student Affairs.
 - b. Administrative Hearing Board meets at the request of the Assistant Dean of Student Affairs. Individual members of the Judicial Board or other members of the community may be requested to assist another judicial body in an administrative hearing. Any individual participates as a hearing board member obtains training, provided by the Assistant Dean of Student Affairs.

At the discretion of the Assistant Dean of Student Affairs, the Department of Campus Safety or the Office of Residential Life will assist with the judicial system. This includes, but not limited to, the filing of complaints, the investigation of complaints and the presentation of cases to a judicial body. Charges may only be filed by the appropriate judicial body, as determined by the Assistant Dean of Student Affairs.

C. HEARING PROCEDURES

1. Administrative Hearings (This includes cases heard by Experience Directors/ Graduate Assistants, the Director of Residential Life, the Assistant Dean of Student Affairs, the Vice President for Student Affairs, or any Administrative Hearing Boards).
 - a. The respondent shall receive a letter of alleged violations (charge letter) electronically from the appropriate judicial 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.

- b. Each student is expected to attend the 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 respondent's input.
- c. An administrative hearing is normally conducted as an educational dialogue between the judicial 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.
- d. 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 judicial 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 judicial body.
- e. 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.
- f. Accommodations for a judicial hearing must be requested of the Hearing Officer prior to the date of the hearing (e.g., ADA, interpreter, alternative meeting location).
- g. The judicial body's decision shall be made on the basis of whether it is more likely than not that the respondent violated the Student Code.
- h. 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.
- i. The only record which shall be made of an administrative 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 the Office of Student Affairs. In addition to the judicial 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.

2. Judicial Board Hearings

- a. The respondent shall receive a letter from the Assistant Dean of Student Affairs stating the alleged violation(s) of the Student Code. Included in the letter shall be the date, time, and place of the hearing.
- b. The respondent is strongly encouraged to meet with the Assistant Dean of Student Affairs prior to the hearing to review hearing procedures, to review the student's basic rights at the hearing, to inform the Assistant Dean of Student Affairs of any witnesses the student expects to have present, to indicate any evidence they plan to present, and the name of the advisor who will be present for the student.
- c. Judicial Board hearings are conducted in private, with only the participants and advisor(s) being present. Admission of any other person to the hearing shall be the decision of the chairperson of the Board.
- d. In hearings involving more than one respondent, the Assistant Dean of Student Affairs, at their discretion, may permit hearings to be conducted together or separately.
- e. Pertinent records, exhibits and written statements may be accepted as evidence for consideration at the hearing provided such information was previously disclosed to and is contained within the Safety incident report; and the Chairperson of the Board determines the information is relevant.
- f. All procedural questions related to the hearing are subject to the final decision of the chairperson.
- g. The only witnesses permitted to present testimony to the Board will be those persons with direct (not second-hand or hearsay) knowledge about the events or matters under consideration by the Board. Both the respondent and the complainant have the right to bring witnesses. All witnesses must be approved in advance of the Hearing by the Assistant Dean of Student Affairs.
- h. The Board hearings follow prescribed procedures and the Board is advised by a faculty or staff member, who is appointed by the Assistant Dean of Student Affairs and serves as a non-voting member of the Board. The advisor to the Judicial Board may, at their discretion, advise the respondent and/or the respondent's advisor, as to procedural matters during the hearing.
- i. A respondent or complainant 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 respondent. It is the student's responsibility to present all aspects of their own defense.
- j. Accommodations for a judicial hearing must be requested of the Hearing Officer prior to the date of the hearing (e.g., ADA, interpreter, alternative meeting location).

- k. The Board's decision shall be on the basis of whether it is more likely than not that the respondent violated the Student Code. The Board's decision and appropriate sanction will be recommended to the Assistant Dean of Student Affairs or their designee.
- l. 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.
- m. The only record which shall be made of a Judicial Board hearing is the written decision of the outcome, which will be sent electronically to the student and maintained in the student's personal file in the Office of Student Affairs. In addition to the judicial 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.

D. INTERIM SUSPENSION

1. Interim Suspension may be imposed 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 functions or to members of the university community.
2. 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 Vice President for 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.
3. 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.
4. The student may return to campus at the appointed time for the judicial hearing or at such time that the Vice President of Student Affairs or their designee determines is 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 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).
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 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 staff member.
4. 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.
5. Every no-contact order will expire on August 1 of the academic year it was issued. The students involved can request through Residential Life 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.

F. 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 a minimum of restitution and a 25% fine. A repeat violation will likely result in a residence hall suspension (SGA, 2002-03 Session).
3. Violations regarding the false activation of a fire alarm system may result in fines and suspension from the University.
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 maintained in the Office of Student Affairs.
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 residence halls and or suspension or expulsion from the University.
6. A written record of all disciplinary sanctions issued to a student will be maintained in the student's personal file maintained in the Office of Student Affairs.
7. Any student, who is involved in a violation of university policy related to the student's possession/use/abuse of alcohol or controlled substance, may be required to:
 - a. Attend an on-campus educational program related to alcohol/drug use and abuse.
 - b. Pay any cost associated with any educational program.
 - c. The student may be required, in addition to the educational program, to meet with either an outside mental health professional or a member

of the Outreach staff for an assessment of their alcohol use. The student shall be required to comply with the recommendation(s) of the provider. It will be up to the student to make all the arrangements.

8. 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:
 - 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 usually imposed in conjunction with another sanction. Educational sanctions may include, but are not limited to, 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).
 - 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 university 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. 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.
 - g. 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.
 - h. 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.

- i. 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.).
- j. 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.
- k. 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).

G. THE APPEAL PROCESS

A student found responsible may appeal a decision of any level of the judicial 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.

1. The Appeal Authority
 - a. Appeals presented from cases heard by an Experience Director/ Graduate Assistant are directed to the Director of Residential Life.
 - b. Appeals presented from cases heard by a Director of Residential Life are directed to the Assistant Dean of Student Affairs.
 - c. Appeals presented from cases heard by the Assistant Dean of Student Affairs or Judicial Board are directed to the Vice President for Student Affairs.
 - d. Appeals presented from cases heard by the Vice President for Student Affairs are directed to the President of the University.
 - e. Appeals presented from cases heard by an Administrative Hearing Board are directed to the Vice President for Student Affairs.

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) or Board that held the original hearing was unduly biased in deciding the matter.
- c. The sanction imposed was excessive or lenient when compared with previous sanctions for similar violations under similar circumstances for students with similar disciplinary records.

3. Process for Appeals

An administrative appeal is one, which is heard by the Director of Residential Life, the Assistant Dean of Student Affairs, the Vice President for Student Affairs, or the President of the University.

- a. The appeal must be in writing and must state the specific ground(s) for appeal.
- b. The appeal must be delivered by e-mail 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 level of judicial 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 judicial body 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 body 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 decision will be delivered to both parties involved) and maintained in the student's personal file in the Office of Student Affairs.

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 Vice President for Student Affairs 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 Assistant Dean of Student Affairs 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 Committee.

H. NOTICE TO OTHERS

Parents or guardians 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. Administrators/staff determined to have a legitimate educational need to know will also be notified.

I. REVIEW BY PRESIDENT OF THE UNIVERSITY

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.



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