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Student Code of Conduct

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Worcester State University*



WORCESTER
S T A T E
UNIVERSITY

STUDENT CODE OF CONDUCT
AND THE
CONDUCT SYSTEM



PUBLISHED BY THE DIVISION OF STUDENT AFFAIRS

WORCESTER STATE UNIVERSITY

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TABLE OF CONTENTS

Purpose..... 1

Code of Conduct and the Conduct System 2

I. Jurisdiction of Worcester State University 3

II. Conduct — Rules and Regulations 4

 Minimum Sanctions for Alcohol/Marijuana Violations Chart 10

 Minimum Sanctions for Drug Policy (Not Marijuana) Chart 11

 Inappropriate Behaviors That Will Not Be Tolerated..... 12

III. Conduct and Procedures 13

IV. Interpretation and Revision 24

Glossary 25

PURPOSE

This booklet contains the complete text of the *Student Code of Conduct and Conduct System*. The publication is designed to serve as a resource and guide for the Worcester State University community. The Code of Conduct and Conduct System section provides a reference for conduct and appellate board members as well as students going through the conduct process.

The complete text of the *Academic Honesty Policy* can be found in the Worcester State University Catalog and online at **www.worcester.edu/catalog**. Other Worcester State University policies and the full text of the Student Handbook can also be found online at **www.worcester.edu/handbook**.

WORCESTER STATE UNIVERSITY
STUDENT CODE OF CONDUCT
AND
THE CONDUCT SYSTEM
INTRODUCTION

Worcester State University seeks to promote the peaceful and productive pursuit of the intellectual and social development of its *students*, and to ensure the safety and welfare of all *members of the Worcester State University community*. To help accomplish these fundamental ends, it is essential for students and others to cooperate when dealing with *Worcester State University* representatives in any matter and to understand both the rights and the obligations they have as members of this community. This “Student Code of Conduct and Conduct System” will enumerate and explain some of those rights and obligations, but the underlying rationale for any such code is the recognition that, as students and employees of Worcester State University, we comprise a community that, like all communities, calls on its members to conduct themselves with proper regard for the rights of others and for the mission and goals of the institution. All members of the Worcester State University community share the responsibility for maintaining an environment in which all actions are guided by care, concern, respect, integrity, and reason.

The functioning of Worcester State University as an intellectual community depends, in the first instance, on establishing a set of rights that all members of the community can be confident will be guaranteed and preserved by the institution. In addition to the basic rights granted by the United States and the Commonwealth of Massachusetts, members of the Worcester State University community share some other rights crucial for the conduct of free inquiry that is central to Worcester State University’s mission. These include the right to reasonable use of Worcester State University facilities, the right to privacy with respect to one’s personal effects and academic records, the right to organize a democratic student government, and the right to establish a responsible Worcester State University-recognized press that will be free of censorship. It is understood that any such rights that any student has are equally possessed by all students (without regard to race, color, gender, sexual orientation, gender identity, gender expression, religion, national origin, age, disability, genetic information, marital or parental status, pregnancy, or veteran status). Further, the exercise of any

of these rights must not interfere with a similar freedom for any other member of Worcester State University.

The Student Code of Conduct that follows outlines the policies and procedures that Worcester State University will follow when the rights and responsibilities that we acquire as members of the Worcester State University community are violated. The details of the policies and procedures to follow are included to ensure that both the charged student and, where applicable, the impacted party are treated fairly. But those details should not obscure the fundamental point: we are a community and, as such, we provide a set of fair and explicit rules to govern our behavior.

JURISDICTION OF **WORCESTER STATE UNIVERSITY**

Worcester State University *shall* have jurisdiction over conduct that adversely affects the Worcester State University community and/or the pursuit of its objectives, wherever the conduct occurs.

If the conduct occurs off-campus Worcester State University shall have jurisdiction when any one or more of the following apply:

- a. The offense occurred at a Worcester State University-Sponsored or sanctioned event.
- b. The charged student used their status as a member of the Worcester State University community to assist in the commission of the offense.
- c. The offense has a detrimental effect on the reputation of Worcester State University.
- d. The impacted party of such offense is a member of the Worcester State University community.

VIOLATION OF LAW AND WORCESTER STATE UNIVERSITY DISCIPLINE

Worcester State University disciplinary proceedings *may* be initiated against a student charged with violation of a law that is also a violation of this Student Code of Conduct, for example, if both violations result from the same factual situation, without regard to whether civil litigation in court or criminal proceedings are pending. Conduct processes under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

CONDUCT – RULES AND REGULATIONS

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in the Conduct Procedures. Please note that this list is not all-inclusive.

GENERAL CONDUCT

1. Conduct that has a detrimental effect on the reputation of Worcester State University.
2. Conduct unbecoming of a member of the WSU Community, including but not limited to:
 - a. Conduct that is lewd
 - b. Conduct that is indecent such as stripping, public urination, public defecation, and/or streaking
 - c. Conduct that is Disorderly
 - d. Conduct that Disturbs the Peace
 - e. Aiding, abetting, or procuring another person to disturb the peace or be disorderly
3. Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty. (See Academic Honesty policy)
 - b. Furnishing false information to any recognized Worcester State University official or office.
 - c. Forgery, alteration or misuse of any Worcester State University document, record, one card, keys or instrument of identification.
 - d. Tampering with the process of any recognized Worcester State University student organization including but not limited to elections, time sheets, budgets, etc.

CONDUCT - HEALTH AND SAFETY

1. Conduct that threatens or endangers the health or safety of any person including but not limited to:
 - a. physical abuse: physical fighting and/or any unauthorized mutual physical contact of any nature including but not limited to pushing, shoving, wrestling, punching, and hitting.
 - b. verbal abuse: harsh and insulting language directed at a person.
 - c. threats/threatening behavior: expressing or suggesting an intention to inflict harm, injury, or danger to self or others.
 - d. intimidation: inducing fear or a sense of inferiority into another.
 - e. harassment: to create an unpleasant or hostile situation by uninvited and unwelcome verbal, physical, or digital conduct.
 - f. coercion: to compel another to an act or choice, to achieve or restrain by force or threat.
 - g. retaliation: intentional (direct or indirect) act that causes harm in response to a perceived or actual harm. Including retaliation toward reporting parties or others involved in the conduct process.

2. Use, possession or distribution of narcotic or controlled substances is prohibited, except permitted by federal/state/ and local law. Possession of any item considered paraphernalia for the purpose of administering or consuming illegal or unauthorized substances is prohibited. Being in the presence of illegal drugs, drug paraphernalia, or under the influence is also prohibited.

3. Consumption, possession, distribution, or evidence thereof, of alcoholic beverages, except as expressly permitted by the law and Worcester State University regulations. Being in the presence of alcohol, possession of empty containers and public intoxication are also prohibited.

4. Possession of firearms and/or explosives, other weapons, dangerous chemicals, paintball guns or other devices capable of launching projectiles on Worcester State University premises or off-campus where Worcester State University jurisdiction applies. For more information see also the Weapons and Hazardous Materials Policy within the Student Handbook.

INFRASTRUCTURE

1. Tampering with equipment intended for emergency or assistance notification and/or response that results in a false alarm or interferes with the operation of equipment in the event of an emergency.
2. Tampering with any mechanical, plumbing, or electrical infrastructure.
3. Damage and/or Vandalism to Worcester State University property or property of a Worcester State University community member or other public property.

CAMPUS DISRUPTION

1. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other Worcester State University sponsored activities, including its public- service functions on or off-campus, or other authorized non-Worcester State University activities when the act occurs on Worcester State University premises.
2. Participation in a campus demonstration that significantly disrupts the normal operations of Worcester State University by infringing on the rights of other members of the Worcester State University community.
3. Illegal or unauthorized occupation of an office, building or University premises.
4. Create an intimidating, hostile or demeaning environment for education, Worcester State University-related work, activities on premises or off-campus where Worcester State University jurisdiction applies.
5. Behavior that is disruptive in nature to the Worcester State University community.

THEFT

1. Attempted or actual theft of Worcester State University property, property of a Worcester State University community member, or other property.

ABUSE

1. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. For more detail, see the Hazing Policy within the Student Handbook.

2. Bullying/Cyberbullying, defined as the severe or repeated use by one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student or a member of the Worcester State University community that has the effect of:
 - Causing physical or emotional harm to the other student or damage to the other student's property.
 - Placing the other student in reasonable fear of harm to themselves or of damage to their property.
 - Creating a hostile environment for others.
 - Infringing on the rights of others.
 - Materially and substantially disrupting the education process or the orderly operation of Worcester State University.
 - Bullying through the use of technology or any electronic means (cyberbullying).

COMPLIANCE

1. Failure to comply, which includes, but is not limited to the following: a failure to cooperate with and/or a failure to adhere to the directions of recognized Worcester State University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

2. Failure to comply with state, local and university health directives

3. Interference with the processes of the Conduct System, including, but not limited to:
 - a. Falsification, distortion, or misrepresentation of information before a Administrative Hearing Officer/ Conduct Board/ Appellate Board.
 - b. Disruption or interference with the orderly conduct of a conduct proceeding.

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- c. Creating a false report or institution of a conduct proceeding knowingly without cause.
 - d. Attempting to discourage an individual's proper participation in, or use of, the conduct system.
 - e. Attempting to influence the impartiality of an Administrative Hearing Officer or a member of a Conduct Board/ Appellate Board prior to, and/or during the course of, the conduct proceeding.
 - f. Harassment (verbal or Physical) and/or intimidation of an Administrative Hearing Officer or a member of a Conduct Board/ Appellate Board or a witness prior to, during, and/or after a conduct proceeding.
 - g. Failure to comply with the sanction(s) imposed under the Student Code/Conduct System.
 - h. Influencing or attempting to influence another person to commit an abuse of the conduct system.
4. False reporting of an emergency. The false reporting of a bomb, or other emergency, falsely activating a fire alarm or otherwise causing an emergency response.

MOTOR VEHICLE

1. Motor Vehicle Violations:
 - a. Failure to operate a motor vehicle in a safe and reasonable manner
 - b. Failure to abide by posted traffic regulations or campus parking and motor vehicle regulations.
 - c. speeding
 - d. non-compliance with traffic signs, signals and/or parking lot/roadway markings.

ONE CARDS

1. Unauthorized possession of and/or duplication of keys or OneCard to any Worcester State University premises, or unauthorized entry to or use of Worcester State University premises.
2. Misuse of OneCard which includes, but not limited to: possession of another person's OneCard and/or giving out your OneCard to another person.

FIRE

1. Unauthorized Open air fires are prohibited anywhere on Worcester State University premises or at Worcester State University-sponsored or supervised activities, with the exception of Chandler Village barbecues (charcoal only), or with expressed written permission from the Vice President of Student Affairs or designee.

UNIVERSITY POLICIES

The rules and regulations of this student code are supplemented by the following Worcester State University policies, which were established by each division of Worcester State University within its area of authority with the approval of the President and, where appropriate, the Board of Trustees: (see appropriate complementary sections online at www.worcester.edu/handbook)

- a. Academic Honesty Policy
- b. Alcohol and Drug Policy
- c. Bomb Threat Policy
- d. (Use of) Drone Policy
- e. Equal Opportunity, Nondiscrimination, and Title IX Plan
- f. Excessive and Unreasonable Noise Policy
- g. Gambling and Bookmaking Policy
- h. Guest Policy
- i. Hazing Policy/Chapter 665
- j. Hoverboard Policy
- k. Violation of Information Technology Services policies
www.worcester.edu/information-technology
- l. Leafleting Policy
- m. Mutual Contract of Social Responsibility
- n. Sales and Solicitation Policy
- o. Social Network and Code of Behavior and Caution
- p. Tobacco Free Campus Policy.
- q. Violation of Worcester State Residence Hall Policies.
- r. Weapons and Hazardous Materials Policy
- s. WSU Statement on Community and Free Speech

Alcohol and Marijuana/THC

The following is a chart of **MINIMUM** sanctions for violations of the **Alcohol and Marijuana/THC Policies**. More severe sanctions may be imposed based on the severity of the violation (**including first offense**). Sanctions are determined on a case by case basis.

Level **Levels may be increased with number of violations.**

| 1 RESIDENT STUDENT | COMMUTER STUDENT |
|--|--|
| General Probation for one semester (15 weeks) | General Probation for one semester (15 weeks) |
| Complete an online alcohol or drug education course | Complete an online alcohol or drug education course |
| Parental/Guardian Notification for student under the age of 21 | Parental/Guardian Notification for student under the age of 21 |

| 2 RESIDENT STUDENT | COMMUTER STUDENT |
|--|--|
| General Probation for an additional one semester (15 weeks) | General Probation for an additional one semester (15 weeks) |
| BASICS one on one educational course | BASICS one on one educational course |
| Complete five (5) hours of service | Complete five (5) hours of service |
| Residence Hall Probation for up to one academic year | Residence Hall Probation for up to one academic year |
| Parental/Guardian Notification for student under the age of 21 | Parental/Guardian Notification for student under the age of 21 |

| 3 RESIDENT STUDENT | COMMUTER STUDENT |
|---|--|
| Disciplinary Probation for one semester (15 weeks) | Disciplinary Probation for one semester (15 weeks) |
| Residence Hall suspension for up to one academic year or residence hall expulsion | Permanent No Trespass Notice for the residence halls |
| Parental/Guardian notification for student under the age of 21 | Parental/Guardian notification for student under the age of 21 |

| 4 RESIDENT STUDENT | COMMUTER STUDENT |
|---|---|
| Suspension from Worcester State University for no less than (1) semester | Suspension from Worcester State University for no less than (1) semester |
| Disciplinary Probation for no fewer than 15 weeks and no more than 30 weeks upon return from suspension | Disciplinary Probation for no fewer than 15 weeks and no more than 30 weeks upon return from suspension |
| Parental/Guardian notification for student under the age of 21 | Parental/Guardian notification for student under the age of 21 |

*If students are found in the presence of or in possession of EMPTY containers of alcohol, they may be given a written warning. Please note that subsequent violations for being in the presence of or possession of empty containers of alcohol (including decorative containers) will result in increased sanctions and levels.

Other Drugs (Not Marijuana)

The following is a chart of **MINIMUM** sanctions for violations of the **Drug Policy (Not Marijuana)**. More severe sanctions may be imposed based on the drug class and the severity of the violation (**including first offense**). Sanctions are determined on a case by case basis. Levels may be increased with number of violations.

Level **Levels may be increased with number of violations.**

| 1 RESIDENT STUDENT | COMMUTER STUDENT |
|--|--|
| General Probation for two semesters (30 weeks) | General Probation for two semesters (30 weeks) |
| BASICS one on one educational course | BASICS one on one educational course |
| Complete five (5) hours of service | Complete five (5) hours of service |
| Residence Hall Probation for up to one academic year | Residence Hall No Trespass Notice for up to one academic year |
| Parental/Guardian Notification for student under the age of 21 | Parental/Guardian Notification for student under the age of 21 |

| 2 RESIDENT STUDENT | COMMUTER STUDENT |
|--|--|
| Disciplinary Probation for one semester (15 weeks) | Disciplinary Probation for one semester (15 weeks) |
| Complete ten (10) hours of service | Complete ten (10) hours of service |
| Residence Hall suspension for one academic year | Permanent No Trespass Notice for the residence halls |
| Parental/Guardian Notification for student under the age of 21 | Parental/Guardian Notification for student under the age of 21 |

| 3 RESIDENT STUDENT | COMMUTER STUDENT |
|---|---|
| Disciplinary Probation for no fewer than 15 weeks and no more than 30 weeks (upon return from suspension if applicable) | Disciplinary Probation for no fewer than 15 weeks and no more than 30 weeks (upon return from suspension if applicable) |
| Residence Hall Expulsion and/or suspension from Worcester State University | May be suspended from Worcester State University |
| Parental/Guardian notification for student under the age of 21 | Parental/Guardian notification for student under the age of 21 |
| Referral to Worcester State's Student Intervention Team | Referral to Worcester State's Student Intervention Team |

| 4 RESIDENT STUDENT | COMMUTER STUDENT |
|---|---|
| Suspension from Worcester State University for no less than one semester | Suspension from Worcester State University for no less than one semester |
| Parental/Guardian notification for student under the age of 21 | Parental/Guardian notification for student under the age of 21 |
| Disciplinary Probation for no fewer than 15 weeks and no more than 30 weeks (upon return from suspension if applicable) | Disciplinary Probation for no fewer than 15 weeks and no more than 30 weeks (upon return from suspension if applicable) |

INAPPROPRIATE BEHAVIORS THAT WILL NOT BE TOLERATED

The following partial list of inappropriate behaviors depicts those behaviors, which may lead to a student's suspension or dismissal from Worcester State University whenever a determination of responsibility has been made. While not an exhaustive listing, students should use this list as a general reference. Immediate interim suspension pending a hearing/investigation will occur whenever the charged student is deemed a safety threat.

Acts against persons, including, but not limited to:

- Hate Crimes
- Murder
- Physical Assault: unwanted forceful physical contact on/with another person that either intentionally, recklessly or negligently causes injury.
- Violation of the Equal Opportunity, Nondiscrimination, and Title IX Plan

Acts against property, including, but not limited to:

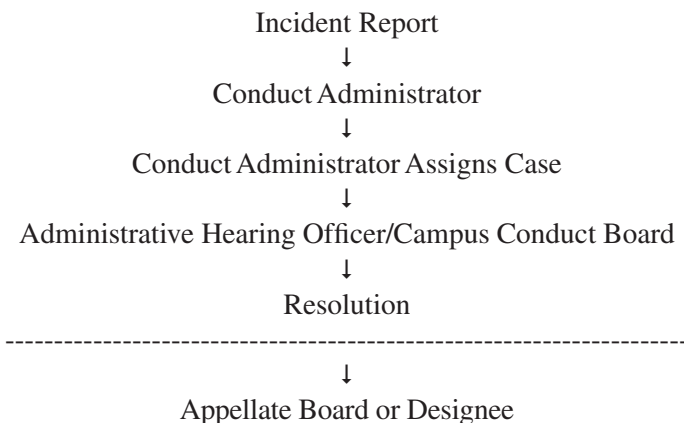
- Arson
- Illegal occupation of a building
- Intentional destruction of property (including electronic property medium)
- Possession or discharge of illegal weapons
- Illegal alcohol or drug distribution

Jeopardizing the safety of self and/or lives of others, including, but not limited to:

- Creating or false reporting of bombs
- Hazing
- Inciting a riot
- Resisting Arrest
- Intentionally tampering with fire safety equipment including pulling a fire alarm
- Driving under the influence of alcohol or drugs
- Driving to Endanger
- Level 4 offense of the alcohol policy or marijuana drug policy
- Level 3 offense of the drug policy (not marijuana)

III. CONDUCT PROCEDURES

The following flow chart demonstrates the due process of the conduct system:



A. Definition of Roles

1. **Conduct Administrator** - The Worcester State University official who coordinates and oversees the implementation of the Student Code of Conduct and the Conduct System.
2. **Administrative Hearing Officer** - Any person authorized by the Vice President of Student Affairs or designee to individually hear a student conduct case, determine whether a student has violated the Student Code of Conduct, and to determine sanctions.
3. **Conduct Board** - At least three persons authorized by the Vice President of Student Affairs or designee to determine whether a student has violated the Student Code of Conduct and to determine sanctions.
4. **Appellate Board** - At least three persons authorized by the Vice President of Student Affairs or designee to consider an appeal of a Hearing Officer or Conduct Board's determination of findings/results and/or sanctions. The Associate Dean of Student Affairs or designee shall serve as chairperson of the Appellate Board.

B. Conduct Authority

1. The Conduct Administrator shall determine which conduct body shall be authorized to hear each case.
2. The Conduct Administrator shall develop and implement procedures for the administration of the conduct policies and the conduct

of hearings that are consistent with provisions of the Student Code of Conduct.

3. Decisions made by a Administrative Hearing Officer/Conduct Board and/or the Conduct Administrator shall be final, pending the normal appeal process.
4. A conduct body may be designated as arbiter of disputes within the student community in cases that do not involve a violation of the Student Code of Conduct. All parties must agree to arbitration and to be bound by the decision with no right of appeal.

C. Initiation, Notification and Hearing Process

1. Any member of the Worcester State University community may report any student for violation of the code of conduct. Reports shall be directed to the Conduct Administrator. Reports should be submitted as soon as possible after the incident takes place, preferably within Thirty (30) days. The Conduct Administrator has the authority to extend this timeframe on a case-by-case basis.
2. The Conduct Administrator will determine if the report has merit and/or if it can be disposed of by mutual consent of the parties involved, on a basis acceptable to the Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the case cannot be disposed of by mutual consent, the Conduct Administrator may later serve in the same matter as the Administrative Hearing Officer or a member of the Conduct Board.
3. All charges shall be delivered to the charged student via email to the student's Worcester State University email address. The hearing shall be scheduled not less than two (2) or more than fifteen (15) calendar days after the student has been notified. In the event of an emergency, the Conduct Administrator reserves the right to change the time limit for a hearing.

Students registered with the Student Accessibility Services Office (SAS) should present their accommodation documents to the Conduct Administrator at least 24 hours prior to their hearing if planning to use their accommodation during the hearing.

In the event a hearing must be conducted outside of the academic year or during breaks they will be scheduled at the Conduct Administrator discretion. Hearings are scheduled based on the students' academic schedule only.

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4. The Conduct Administrator, may schedule an Administrative Hearing, Conduct Board and if applicable, an Appellate Board
An Administrative Hearing is a hearing conducted by a Hearing Officer appointed by the Vice President of Student Affairs or designee on an annual basis in consultation with the Conduct Administrator.

A Conduct Board is comprised of trained faculty members, administrators and/or students. A full Board consists of three (3) members. In addition to these members, the Board will be chaired by the Conduct Administrator or their designee, who will vote only in the event of a tie.

Prior to any Conduct Board, the Conduct Administrator may hold a pre-hearing meeting with the charged student to discuss the process and go over all rights and responsibilities.

An Appellate Board is comprised of trained faculty members, administrators and/or students. A full Board consists of three (3) members. In addition to these members, the Board will be chaired by the Assistant Dean of Student Affairs or their designee, who will vote only in the event of a tie.

The pool of board members for both the conduct and appellate board(s) will be appointed by the Vice President of Student Affairs or designee on an annual basis in consultation with the Conduct Administrator.

5. Hearings shall be conducted by a conduct body according to the following guidelines:
- a. The University will provide a prompt, fair, and impartial investigation and resolution of all matters subject to hearing.
 - b. All administrative hearings and conduct hearings will be conducted by officials, including students, who sit on the conduct board, who receive annual training.
All procedural questions are subject to the final decision of the chairperson of the conduct board/appellate board present at the hearing.
 - c. Hearings shall be conducted in private, i.e. not open to the public.

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- d. In hearings involving more than one charged student, the chairperson of the conduct board/Administrative Hearing Officer, at their discretion, may permit the hearings concerning each student to be conducted separately. Charged students may request to have their hearing conducted separately.
 - e. The complainant and the charged student have the right to have a support person of their choice; however, support persons are not permitted to speak or to participate directly in any hearings before. A support person will not be permitted admission into a hearing if the student they are supporting does not attend the hearing. The complainant and/or the charged student are responsible for presenting their own information.
 - f. All parties to the case shall have the right to present witnesses, subject to the right of questioning by all parties present (excluding support persons).
 - g. Admission of any person to the hearing shall be at the discretion of the Administrative Hearing Officer or the chairperson of the conduct board/appellate board.
 - h. Pertinent documentation, exhibits, questions to witnesses, and written statements may be accepted for consideration by a Administrative Hearing Officer or conduct board/appellate board at the discretion of the chairperson.
 - i. After the hearing, the Administrative Hearing Officer/conduct board/appellate board shall determine (by majority vote for board hearings that consist of more than one person) whether the student has violated each alleged Student Code of Conduct policy.
 - j. The Administrative Hearing Officer/conduct board/ appellate board's determination shall be made based on the preponderance of the evidence; meaning whether it is more likely than not that the charged student violated the student code of conduct.
 - k. Formal rules of process, procedure and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Worcester State University conduct proceedings.
 - l. All parties associated with the case may request to review the report(s) prior to the hearing. This review will take place on campus. The timeframe to review the report(s) is at the discretion of the Conduct Administrator.

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6. There may be a written and/or recorded summation or other type of record as determined by the Administrative Hearing Officer/ conduct board/ appellate board and/or Conduct Administrator, of all hearings. The record shall be the property of Worcester State University.
 7. A student may not be found to have violated the Student Code of Conduct solely because the student failed to appear at a hearing. In all cases, the materials and information in support of the charges shall be presented and considered, as the hearing will be held in the absence of the student, should they fail to attend.
 8. In the absence of a functioning conduct board or appeals board, such as during final exams, when classes are not in session, during the summer, or in the case of off-campus academic programs, disciplinary hearings will be the responsibility of the Conduct Administrator or their designee for all students. Appeals during such time shall be heard by the Vice President of Student Affairs or designee.
 9. Charged students have the right to refuse to incriminate themselves. All statements made in the hearings or any information submitted is subject to subpoena.

A. Sanctions

Worcester State University adheres to and upholds a philosophy of progressive discipline. The conduct system and the imposition of sanctions contribute to the teaching of appropriate individual and group behavior and foster the ethical development and personal integrity of students.

In each case in which an Administrative Hearing Officer/conduct board/ appellate board determines that a student has violated the Student Code of Conduct, the sanction(s) shall be determined and imposed. Following the hearing, the charged student(s) shall be informed in writing, of its determination and of the sanction(s) imposed, if any.

1. The following sanctions, included, but not limited to, may be imposed, deferred, or held in abeyance:
 - a. Warning
 - b. Loss of Privileges
 - c. Fines
 - i. Fines must be paid by cash, check or money orders ONLY. No debit or credit cards.

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- ii. All cash payments must be received in paper currency format. Coinage will not be accepted.
 - iii. Any concerns related to fines may be directed to the Community Standards Office
- d. Restitution
- e. Discretionary Sanctions, including but not limited to:
- i. Service Hours: work hours served with the WSU Facilities Office.
 - ii. Educational Programs: presentations designed by the student to inform others about the designated topic related to the violated policy.
 - iv. Written Assignments: essay about the designated topic related to the violated policy.
 - v. Bulletin Boards: passive presentation of material designed by the student to inform others about the designated topic related to the violated policy.
 - vi. Apology Letters: a statement written by the student to the affected party to express an apology for the actions of the student related to the violated policy.
- f. Probation
- i. General Probation:* a probationary status imposed for a specified time period, during which time a student is expected to demonstrate a positive change in behavior. In addition, conditions and restrictions appropriate to the violation may be imposed. Further violations during the probationary period will result in additional, more severe disciplinary sanctions
 - ii. Disciplinary Probation:* a restrictive probationary status imposed for a specified time period, during which a student is prohibited from the following:
 - 1. Representing Worcester State University in intercollegiate (NCAA) varsity athletics and/or Club Sports,,
 - 2. Holding an elected or appointed student office, including Class Committee, academic governance committees, and executive board positions,
 - 3. Selecting their room for the following year during the lottery process. The student must wait until process is completed before selecting their space in accordance with the date set forth by Residence Life and Housing.
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Additional conditions or restrictions may be imposed. Students found responsible for any further infraction of WSU policies, or who violate the conditions or restrictions of disciplinary probation, are subject to further conduct actions by Worcester State University, which may include suspension or expulsion from Worcester State University.

iii. Residence Hall Probation: formal notice to the student that their behavior is unacceptable in the residence halls and additional policy violations, however minor, may result in further disciplinary action not limited to room relocation or removal from the residence halls. Residence Hall Probation is for a specific time period. During probationary period, the student must demonstrate that they are willing and able to act in accordance with the behavior standards outlined in the Student Code of Conduct, Student Handbook, Residence Life Occupancy Agreement and the Residence Hall Handbook.

iv. Residence Hall Review: a review of the student's status as a member of the residence hall community. The review will be made in conjunction with the Office of Residence Life and Housing.

g. Suspension

i. University Suspension: separation of the student and the University for a defined Period of time, after which the student is eligible to return. Conditions for readmission may be specified. During the time period of the suspension, the student is not permitted on University premises without the expressed written permission of the Vice President of Student Affairs or designee. If a suspended student violates any University policy or any condition of the suspension, the student may be subject to further conduct action by the University.

Upon completion of the student's university suspension, if a student plans to return, a re-entry meeting with the Conduct Administrator or their designee is required prior to a student registering for classes. It is the responsibility of the student to initiate this process, usually one (1) month prior to the semester starting.

ii. Residence Hall Suspension: separation of the student from the residence halls for a defined period of time, after which the student is eligible to return to live in the residence halls. While suspended from the residence halls, the student loses all guest/visitation privileges.

iii. Interim Suspension: In certain circumstances the Vice President of Student Affairs or designee may impose a Worcester State University, residence hall, organizational, or athletic team suspension prior to the hearing. During the interim suspension, students shall be denied access to the residence halls and/or to the campus (including classes) and/or all other Worcester State University activities, athletic team games and practices, or privileges for which the student might otherwise be eligible, as the Vice President of Student Affairs or designee may determine to be appropriate. A student on whom an interim suspension has been imposed will be accorded a hearing as promptly as circumstances permit.

In the event that a student is suspended/expelled from Worcester State University housing or from Worcester State University for any disciplinary infraction(s) no refund of any Worcester State University fees or tuition will be given to the student (to include residential meal plans).

h. Expulsion

i. University Expulsion: permanent separation of the student from Worcester State University. The student is not permitted on Worcester State University premises without the expressed written permission of the Vice President of Student Affairs or designee.

ii. Permanent Residence Hall Separation: permanent separation of the student from the residence halls including permanent removal of all guest/visitation privileges.

i. No Contact Order

A no contact order may be used as a sanction or as an interim measure if needed. A no contact order prohibits a person from having contact—directly, indirectly, electronically, social networking, or through a third party, from another.

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1. More than one of the sanctions listed above may be imposed for any single violation.
 2. More severe sanctions shall be imposed for repeated violations of the same policy.
 3. For serious violations, Worcester State University may impose a severe sanction for the first offense.
 4. The conduct history of a student will be considered when determining sanctions for additional violations of Worcester State University policy. Conduct history is established at the time of the first documented policy violation and remains in effect through graduation or permanent separation from Worcester State University.
 5. Disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct history.
 6. A "disciplinary hold" may be placed on a student's academic record. Students with a disciplinary hold may not be permitted to register, request transcripts, receive a diploma, add or drop courses, register for Worcester State University housing, or participate in other Worcester State University activities.
 7. Federal and State Notification Regulations:
 - a. As recommended by the Massachusetts Board of Higher Education and permitted by the Family Educational Rights and Privacy Act (FERPA), Worcester State University may notify parents/guardians when students under the age of 21 have been found responsible for violating Worcester State University's Alcohol or Drug policies. (See minimum sanctions under Alcohol and Drug Policies.) In addition, the sanctions of removal from housing, suspension or expulsion from Worcester State University may be accompanied by parental notification.
 - b. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires that the victim of a sexual assault be informed of the first outcome of any campus disciplinary proceeding against the alleged attacker in the matter of the sexual assault. 20 U.S.C. § 1092(f)(8)(B)(iv)(II) (2000). FERPA allows institutions to share the outcome of a disciplinary proceeding with the alleged victim of a "crime of violence." 20 U.S.C. § 1232g(b)(6) (A) (2000). In 1998, FERPA was further amended to allow institutions to release to the public the first results of a campus
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disciplinary proceeding alleging a “crime of violence” when the Accused Student is found responsible. Pursuant to Title IX and the Educational Amendments of 1972, 20 U.S.C. § 1681, and the reauthorized Violence Against Women Act 42, U.S.C. § 14045(b) (“VAWA”), the university shall simultaneously notify both the accuser and the accused, in writing, of:

- i. The outcome of the disciplinary proceeding involving sexual harassment, sexual assault, sexual violence, dating violence, domestic violence and/or stalking;
- ii. the procedures for the charged and the impacted party to appeal the results;
- iii. any change in the results that occurs prior to the time the results become final; and
- iv. when the results become final.

9. Failure to comply/complete any Office of Community Standards sanction(s)/Student Affairs required prevention education (Educational and Prevention Programs Policy) may result in one, or more, of the following until the original sanction(s)/required prevention education has been completed:

- a. A disciplinary/Student Affairs hold being placed on a student’s account
- b. Imposition of Disciplinary Probation
- c. Imposition of a more severe sanction, if a student is already on Disciplinary Probation

D. Appeals

1. A decision reached by a administrative hearing officer/conduct board may be appealed by the charged student(s) to the Conduct Administrator no later than 5:00 p.m. on the fifth (5) calendar day from the date of the decision letter. Students must complete the appeal form found in the *Student Services* portion of their MyWooState student portal.
2. If a student fails to appear at their original hearing without consent of the Conduct Administrator or designee they may lose their right to appeal.

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3. An appeal is not a new hearing but a review of the summation/ record of the initial hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures.
 - b. To determine whether the finding of responsible is supported by the weight of the evidence or to consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because the person appealing did not know such evidence and/or facts at the time of the original hearing.
 - c. To determine whether the sanction(s) imposed were appropriate.

A request for an appeal shall be denied if the Conduct Administrator determines that it does not meet the above criteria.

4. The appellate board reserves the right to change the sanctions which may include a more severe sanction than previously as signed.
 5. Upon completion of the appellate hearing, the appellate board shall promptly notify the charged student of the outcome of the appeal. The decision(s) shall take one of the following forms:
 - a. Appeal Upheld: The charged student's request for appeal has been honored. In the case of an upheld appeal, the new findings/sanctions shall be stated
- or-
- The matter may be remanded to the Conduct Administrator for re-opening of a hearing to allow reconsideration of the original determination and/or sanction(s).
- b. Appeal Denied: The charged student's request for appeal is denied and the findings and/or sanctions stand.
6. In the case of extraordinary circumstances, the Vice President of Student Affairs, or designee, may waive the deadline for filing an appeal. The decision to waive a deadline shall be final.
 7. The decision of any appellate board is final.

No disciplinary sanction shall be imposed while an appeal is pending unless the Conduct Administrator determines that such action would be in the best interests of the charged or other members of the Worcester State University community. An Interim Suspension shall remain in force while an appeal is pending unless the Conduct Administrator directs otherwise.

E. Reopening A Case

1. A case may be reopened after the final decision is made if both of the following conditions are met:
 - a. There is newly available evidence which could not reasonably have been discovered and available at the time of the original hearing.
 - b. The request to reopen is made within the two academic semesters following the date of the original final decision. The Conduct Administrator has the authority to extend this timeframe on a case-by-case basis.

INTERPRETATION AND REVISION

- A. Any question of interpretation regarding the Student Code of Conduct shall be referred to the Conduct Administrator or designee for final determination.
- B. Worcester State University policies may be established or revisions made to existing policies through appropriate procedures. When changes are made, such additions or revisions will be made public.
- C. The Student Code of Conduct shall be reviewed at least every three years under the direction of the Conduct Administrator or designee.
- D. Alcohol and other drug policies and cases shall be reviewed at least every other year to determine effectiveness and consistency of sanction enforcement in order to identify and implement any changes.

GLOSSARY

Administrative Hearing Officer:

Any person authorized by the Vice President of Student Affairs or designee to individually hear a student conduct case, determine whether a student has violated the Student Code of Conduct, and to determine sanctions.

Appellate Board:

At least three persons authorized by the Vice President of Student Affairs or designee to consider an appeal of a administrative hearing office/conduct board's determination of findings/results and/or sanctions. The Associate Dean of Student Affairs or designee shall serve as chairperson of the Appellate Board.

Conduct Administrator:

The Worcester State University official who coordinates and oversees the implementation of the Student Code of Conduct and the Conduct System.

Conduct Board:

At least three persons authorized by the Vice President of Student Affairs or designee to determine whether a student has violated the Student Code of Conduct and to determine sanctions.

Deferred:

When a sanction is postponed to be completed at a predetermined date in the future. Manipulate, humiliate, isolate, frighten, threaten, blame, hurt, injure, or wound someone. Domestic and dating violence can occur in relationships between persons of any gender.

Guest:

Includes but is not limited to, any person(s) a student invites to their room, apartment, building, or to Worcester State University premises; and/or person(s) present and involved in activity within their room, apartment, building, or elsewhere on the Worcester State University premises.

Hate Crime(s):

An incident or incidents of mistreatment because of race, gender, disability, age, marital status, religion, color, national origin, sexual orientation, gender identity, gender expression, veteran status, genetic information, or other personal characteristic(s).

Held in Abeyance:

When a sanction is suspended for a set period of time rather than being imposed immediately. If the student is found responsible for any other policy violation during the prescribed time period, the sanction may be imposed immediately in addition to any other sanctions assigned for the new violation.

Imposed:

When a sanction is assigned to be completed within the time limit delineated in the results letter.

May:

Is used in the permissive sense

Member of the Worcester State University Community:

Includes any person who is either a student or employed/contracted by Worcester State University. The Vice President of Student Affairs and/or Conduct Administrator or designee shall determine a person's status when in question.

MPAA:

Motion Picture Association of America

Organization:

Any fraternity, sorority, association, corporation, order, society, corps, athletic group or team, cooperative, club, service, social or similar group, whose members are or include students, operating at or in conjunction with Worcester State University.

Policy:

The written regulations of Worcester State University as found in, but not limited to, the Student Code of Conduct, Residence Life Handbook, Student Handbook, and Graduate/Undergraduate Catalog.

Recognized Worcester State University Officials:

Faculty, Worcester State University staff and students who are employed by Worcester State University and acting on behalf of Worcester State University.

RIAA:

Recording Industry Association of America.

Shall:

Is used in the imperative sense

Student: “Student” includes an individual who has paid an acceptance fee, registered for classes, or otherwise entered into a contractual relationship with the university to take instruction.

Support Person:

An individual selected by a student participating in the conduct system to accompany the student to hearings to provide support for the student.

Volunteer:

Individuals who participate in athletic or academic experiences and for extracurricular activities during periods in they are not registered for academic credit do so on a volunteer basis. If individuals are involved in activities that are not related to course in which they enrolled, they are considered volunteers.

Worcester State University Premises:

Includes all land, buildings, facilities, and other property in the possession of, owned, used, rented/leased, or controlled by Worcester State University including adjacent streets and sidewalks.



WORCESTER
STATE
UNIVERSITY

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