



Code of Conduct and Guide to Academic Honesty



revised 8/2011



CODE OF CONDUCT AND THE JUDICIAL
SYSTEM



GUIDE TO ACADEMIC HONESTY

PUBLISHED BY THE DIVISION OF STUDENT AFFAIRS

WORCESTER STATE UNIVERSITY

REVISED 8/2011

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PURPOSE

This booklet contains the complete text of the *Student Code of Conduct and Judicial System* and an abridged version of the *Academic Honesty Policy*. The publication is designed to serve as a reference for the Worcester State University community. The Code of Conduct and Judicial System section provides a reference for judicial and appellate board members as well as students going through the judicial 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**](http://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**](http://www.worcester.edu/handbook).

WORCESTER STATE UNIVERSITY STUDENT CODE OF CONDUCT AND THE JUDICIAL SYSTEM

INTRODUCTION

Worcester State 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 community*. To help accomplish these fundamental ends, it is essential for students and others to cooperate when dealing with *Worcester State* 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 Judicial 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, 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 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 as an intellectual community depends, in the first instance, on establishing a set of rights that all members of the community can know 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 community share some other rights crucial for the conduct of free inquiry that is central to Worcester State’s mission. These include the right to reasonable use of Worcester State 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-recognized press that will be free of censorship. It is, of course, understood that any such rights that any student has are equally possessed by all students (without regard to race, age, gender, religion, sexual orientation, or national origin). Further, the exercise of any of these rights must not interfere with a similar freedom for any other member of Worcester State.

The judicial code that follows outlines the procedures that Worcester State will follow when the rights and responsibilities that we acquire as members of the Worcester State community are violated. The details of the code and procedures to follow are included to ensure that both the accused student and, where applicable, the victim are treated fairly. But those details should not obscure the fundamental point: we are a community and, as such, we need a set of fair and explicit rules to govern our behavior.

I. JURISDICTION OF WORCESTER STATE UNIVERSITY

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

If the conduct occurs off-campus Worcester State shall have jurisdiction when:

- a. The victim of such offense is a member of the Worcester State community.
- b. The offense occurred at a Worcester State-Sponsored or sanctioned event.
- c. The accused student used his/her status as a member of the Worcester State community to assist in the commission of the offense.
- d. The offense has a detrimental effect on the reputation of Worcester State.

II. CONDUCT – RULES AND REGULATIONS

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

1. The rules and regulations of this student code are supplemented by the following Worcester State policies, which were established by each division of Worcester State within its area of authority with the approval of the President and, where appropriate, the Board of Trustees: (see appropriate complimentary sections in the Student Handbook)
 - a. Academic Dishonesty Policy
 - b. Alcohol Policy
 - c. Bomb Threat Policy
 - d. Campus Access/Gate Check Policy
 - e. Drug Policy
 - f. Gambling and Bookmaking Policy
 - g. Guest Policy(see Handbook Edit Supplements)
 - h. Hazing Policy/Chapter 665
 - i. Identification Card (ID) Policy
 - j. Leafleting Policy
 - k. Motor Vehicle Rules and Regulations
 - l. Raffle Policy
 - m. Residence Halls Contract/Occupancy Agreement and Handbook
 - n. Sales and Solicitation Policy
 - o. Search and Seizure Policy
 - p. Sexual Assault Policy
 - q. Sexual Harassment Policy
 - r. Smoking Regulations
 - s. Social Web Code of Behavior and Caution
 - t. Sound Emission Policy
 - u. Student Travel Policies
 - v. Weapons and Hazardous Materials Policy
2. Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty. (see Academic Affairs policy)
 - b. Furnishing false information to any *recognized Worcester State official* or office.

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- c. Forgery, alteration or misuse of any Worcester State document, record, one card, keys or instrument of identification.
 - d. Tampering with the process of any recognized Worcester State student organization including but not limited to elections, time sheets, budgets, etc.
3. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other Worcester State activities, including its public-service functions on or off-campus, or other authorized non-Worcester State activities when the act occurs on Worcester State premises.
 4. Conduct that threatens or endangers the health or safety of any person including but not limited to physical abuse, verbal abuse, threats, intimidation, harassment, and/or coercion.
 5. Sexual assault, defined in the sexual assault policy as any sexual act directed against another person forcibly, or against that person's will, or not forcibly where the victim is incapable of giving consent, including while under the influence of alcohol. Examples include, but are not limited to, forcible rape, acquaintance or date rape, forcible sodomy, forcible fondling and sexual assault with an object.
 6. Hate crimes including, but not limited, to racist or discriminatory comments, epithets or other expressive behavior directed at an individual or on separate occasions at different individuals, or physical conduct, if such comments, epithets, other expressive behavior or physical conduct intentionally:
 - a. Demean the race, sex, religion, color, creed, disability, sexual orientation, national origin, ancestry or age of the individual or individuals
 - b. Create an intimidating, hostile or demeaning environment for education, Worcester State-related work, or other Worcester State activities on Worcester State premises or off-campus where Worcester State jurisdiction applies.
 7. Open air fires are prohibited anywhere on Worcester State premises or at Worcester State-sponsored or supervised activities, with the exception of Chandler Village barbeques.
 8. Attempted or actual theft of and/or damage to property of Worcester State or property of a member of the Worcester State community or other personal or public property.
 9. 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.
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10. Bullying, 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 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 him/herself or of damage to his/her property
 - Creating a hostile environment at school for the other student
 - Infringing on the rights of the other student on campus
 - Materially and substantially disrupting the education process or the orderly operation of Worcester State.
 - Bullying through the use of technology or any electronic means.
 11. Failure to comply with directions of recognized Worcester State 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.
 12. Unauthorized possession of and/or duplication of keys or one cards to any Worcester State premises, or unauthorized entry to or use of Worcester State premises.
 13. Possession of another person's identification card or one card.
 14. Use, possession or distribution of narcotic or other controlled substances except as expressly permitted by law or possession of any item considered as paraphernalia for the purpose of administering or consuming illegal or unauthorized substances.
 15. Consumption, possession, distribution, or evidence thereof, of alcoholic beverages except as expressly permitted by the law and Worcester State regulations. Being in the presence of alcohol, possession of empty containers and public intoxication are also prohibited.
 16. Possession of firearms, explosives, other weapons, dangerous chemicals, paintball guns or other devices capable of launching projectiles on Worcester State premises or off-campus where Worcester State jurisdiction applies. For more information see also the Weapons and Hazardous Materials Policy.
 17. Participation in a campus demonstration that significantly disrupts the normal operations of Worcester State by infringing on the rights of other members of the Worcester State community.
 18. Conduct that has a detrimental effect on the reputation of Worcester State.
 19. Conduct that is disorderly, lewd, or indecent, disturbing the peace, or aiding, abetting or procuring another person to disturb the peace on Worcester State premises or at functions sponsored by or participated in by Worcester State or off-campus where Worcester State jurisdiction applies.

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20. 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.
 21. Motor vehicle violations related to or involving speeding, non-compliance with traffic signs, signals and/or parking lot/roadway markings.
 22. Violation of Information Technologies policies <http://it.worcester.edu> including but not limited to:
 - a. **Network Acceptable Use Policy**—This statement represents a guide to the acceptable use of the Worcester State Network for data communications.
 - b. **Copyright and Protected Digital Content Policy**—Worcester State supports the intellectual property rights of software and digital content developers and requires that faculty, staff, and students to follow all local, state and federal laws governing copyright protection of software and digital content.
 - c. **RIAA & MPAA Complaint Policy**—Worcester State will support the privileges of copyright owners of intellectual or creative property. This policy outlines Worcester State’s response to complaints by RIAA, MPAA (or similar organizations) of potential copyright violations.
 23. Interference with the processes of the Judicial System, including, but not limited to:
 - a. Falsification, distortion, or misrepresentation of information before a *judicial body*.
 - b. Disruption or interference with the orderly conduct of a judicial proceeding.
 - c. Institution of a judicial proceeding knowingly without cause.
 - d. Attempting to discourage an individual’s proper participation in, or use of, the judicial system.
 - e. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.
 - f. Harassment (verbal or physical) and/or intimidation of a member of a judicial body or a witness prior to, during, and/or after a judicial proceeding.
 - g. Failure to comply with the sanction(s) imposed under the Student Code/Judicial System.
 - h. Influencing or attempting to influence another person to commit an abuse of the judicial system.
 24. Violation of federal, state or local law and any other Worcester State policies, rules or regulations on Worcester State premises or at Worcester State-Sponsored or supervised activities or off-campus where Worcester State jurisdiction applies.
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ALCOHOL POLICY

All policies and regulations regarding the consumption and/or sale of alcoholic beverages on the Worcester State premises or off-campus where Worcester State jurisdiction applies shall be in strict conformity to the appropriate Massachusetts General Laws, the regulations of the License Commission of the city of Worcester and in compliance with the Drug-Free Schools and Communities Act (DFSCA), and the Drug-Free Schools and Campuses Regulations.

References: Mass. General Law, Chap. 138, Sec. 34: Alcoholic Beverages (Procuring for persons under 21); Mass. General Law, Chap. 138, Sec 34A: Alcoholic Beverages (Procuring by false pretenses); Mass. General Law, Chap. 138, Sec. 3413: Alcoholic Beverages (Liquor Purchase Identification Cards); Mass. General Law, Chap. 138, Sec. 34C: Alcoholic Beverages (Transportation by those under 21 years of age); Worcester City Ordinances Chap. 9 re: Open Alcoholic Beverage Containers.

In addition to the preceding laws and others which may be established by legislative bodies, the following rules and regulations apply to Worcester State premises or off-campus where Worcester State jurisdiction applies:

- Worcester State prohibits the possession, consumption, storage or service of alcohol by students with the exception of prior approval from the Vice President of Student Affairs or designee.
- Students are not allowed in the presence or in possession of empty or full containers of alcohol, including decorative containers.
- Public intoxication is prohibited.
- Operating a vehicle under the influence of alcohol is prohibited.
- The manufacturing of any alcoholic beverage is prohibited.
- Students are responsible for informing their guests of Worcester State's Alcohol Policy prior to any campus visit. The student will be held strictly accountable for an alcohol violation when their guest violates the alcohol policy. Guests are defined as any person visiting the student whether or not the guest has signed-in to the residence halls through official procedures. Guests, regardless of their age are not permitted to bring alcohol onto the Worcester State campus.
- Providing alcoholic beverages to a person under age twenty-one (21), whether gratuitously or for sale, is prohibited.
- The possession or use of alcoholic container(s) which indicates the probability of common source drinking (e.g. kegs, punch bowls, beer balls, or the functional equivalent) is prohibited and shall result in a more severe sanction.
- Drinking funnels, taps, ice luges or similar devices are prohibited.

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- Creating, offering, and playing drinking games such as beer pong are considered endangering behaviors and are prohibited.
 - Open alcoholic beverage containers (including cups containing alcohol) are prohibited.

ADDITIONAL GUIDELINES

- Intoxicated persons shall be subject to police intervention including medical transport, arrest, and/or other appropriate action.
- In the event that a student is suspended from Worcester State housing or from Worcester State for any disciplinary infraction(s), including but not limited to alcohol, no refund of any Worcester State fees or tuition will be given to the student.
- Any backpack, bag or similar container that anyone carries onto campus shall be subject to inspection and search by a member of the Worcester State staff whenever there exists reasonable suspicion to believe that the container is being used to bring onto campus any alcoholic beverage or other material in violation of Worcester State Policy.
- Students are encouraged and expected to seek help from Worcester State Police or other Worcester State staff when they witness others who are incapacitated due to alcohol or other drug use.
- Residency in a bedroom, apartment or suite in which any alcohol containers, (empty or full to include decorative containers) are present is a violation of the Policy. This includes the bedroom to which the person is assigned or in an adjacent common area.
- Visitation in a bedroom, apartment or suite in which any alcohol containers, (empty or full to include decorative containers) are present, with reasonable opportunity to be aware of the presence of said item is a violation.

ALCOHOL/OTHER DRUG EMERGENCY TRANSPORT POLICY

Worcester State considers the safety and personal well-being of the student body a priority. Worcester State recognizes that there may be alcohol or other drug-related medical or safety emergencies in which the potential for disciplinary action could act as a deterrent to students who want to seek assistance for themselves or others.

Students who are transported to a local hospital as a result of the abuse of alcohol or other drugs will be required to meet with a member of the Office of Health and Wellness within twenty four (24) hours of the incident. Failure to schedule and attend the session may result in judicial action.

When a student aids an intoxicated or impaired individual by contacting Worcester State Police or Residential Life staff, neither the intoxicated individual nor the individual or student reporting the emergency will be subject to disciplinary action.

DRUG POLICY

All policies and regulations regarding illegal consumption/use, possession, sale/trafficking and/or manufacture of narcotics, controlled substances, prescription drugs, counterfeit substances, drug paraphernalia and substances releasing toxic vapor on the Worcester State campus and its properties shall be in strict conformity to the appropriate Massachusetts General Laws and in compliance with the Drug-Free Schools and Community Act (DFSCA) and the Drug-Free Schools and Campuses Regulations. Detailed descriptions of infractions and penalties can be found in the Massachusetts General Laws, sections 94C and 270. Federal Drug Statute Title 21, USC 841 may also apply. Listed is a summation of these laws. These laws are subject to change

1. **Controlled Substances** are classified according to their chemical characteristics and their effect on the human body.

Class A

Heroin, Morphine, Flunitrazepan, Gamma Hydroxy Butyric Acid (aka GHB), Ketamine Hydrochloride (aka "Special K")

Class B

Cocaine, Codeine, Methadone, Oxycontin and Oxycodone, Amphetamines, Fentanyl, Methamphetamine and its isomers and salts, Phenacyclidine (PCP, Angel Dust), Lysergic Acid Diethylamide (LSD), Opium in certain amounts, P2P, PCH, PCC, MDMA (ecstasy), Phenmetrazine, Percodan, Dilaudid

Class C

Valium, Librium, Morphine and Codeine in certain amounts, Flurazepam, Hallucinogenic substances including Dimethoxyamphetamine, Mescaline, Peyote, Psilocybin (aka Mexican Mushrooms), Tetrahydrocannabinol (THC, active ingredient in marijuana)

Class D

Marijuana, Barbitol, Phenobarbital

Class E

Compounds containing a small percentage of Codeine, morphine or opium, prescription drugs not included in any other class.

Smelling Substance Releasing Toxic Vapor

Although not illegal to possess under certain conditions, these substance offenses occur when a person intentionally smells or inhales them. They include but are not limited to: glue, paint thinners, etc.

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2. **Drug Paraphernalia** are objects used for the purpose of ingesting, injecting, inhaling, etc. any or all of the above substances. These include, but are not limited to, pipes (ceramic, metal, glass, etc.), syringes, or any other object modified for this purpose, (e.g. plastic containers, toilet paper rolls, etc.).
 3. **Possession of a Controlled Substance** is simply proof the individual directly or constructively possessed some amount of a controlled substance without lawful authority.
 4. **Possession with Intent to Distribute** does not require possession of a minimum quantity of a controlled substance where other signs of distribution exist, e.g. quantity (even a minute quantity can suffice), purity, street value, possession of a large amount of cash, uniform packaging, known drug area, behavior, possession of drug paraphernalia, etc. Penalties as outlined under Massachusetts General Laws are included in subsequent pages.
 5. **Counterfeit Substances** are imitations intended to be offered off deceptively as a genuine controlled substance. Because fake substances are often more dangerous to ingest and because the dealer is attempting to make a profit while eliminating the risk of being caught with a controlled substance, possession and sale of a counterfeit substance are punishable crimes under the law.
 6. **The Drug-Free School and Park Zone Law** was designed to heighten safety and deter drug distribution in areas where children congregate most: schools and public parks. This law provides for an enhanced penalty for individuals who possess any illegal drug with the intent to distribute. This applies to a suspect within 100 feet of a public park or playground or 1000 feet of a public or private elementary, secondary or vocational school. **Worcester State is within 1000 feet of two schools.**

In addition to the preceding laws and others which may be established by legislative bodies, the following rules and regulations apply to Worcester State premises or off-campus where Worcester State jurisdiction applies:

- Worcester State prohibits the possession or use of drugs or drug paraphernalia.
- Operating a vehicle under the influence of drugs is prohibited.
- The manufacturing of any drug is prohibited.
- Students are responsible for informing their guests of Worcester State's Drug Policy prior to any campus visit. The student will be held strictly accountable for a drug violation when their guest violates the drug policy. Guests are defined as any person visiting the student whether or not the guest has signed-in to the residence halls through official procedures.

ADDITIONAL GUIDELINES

- Any person shall be subject to police intervention including medical transport, arrest, and/or other appropriate action when reasonable suspicion that drugs are involved.
- In the event that a student is suspended from Worcester State housing or Worcester State for any disciplinary infraction(s), including but not limited to drugs, no refund of any Worcester State fees or tuition will be given to the student.
- Any backpack, bag or similar container that anyone carried onto campus shall be subject to inspection and search by a member of the Worcester State staff whenever there exists reasonable suspicion to believe that the container is being used to bring onto campus any drug or other material in violation of Worcester State Policy.
- Residency in a bedroom, apartment or suite in which any drug or drug paraphernalia are present is a violation of the Policy. This includes the bedroom to which the person is assigned or in an adjacent common area.
- Visitation in a bedroom, apartment or suite in which any drug or drug paraphernalia are present, with reasonable opportunity to be aware of the presence of said item, is a violation.

HEALTH RISKS — ALCOHOL/DRUGS

Alcohol and drugs can contribute to negative consequences that can affect virtually all Worcester State student's health and academic achievement whether they choose to drink or not.

Students who choose to drink subject themselves to the possibility of lowered academic performance, dependence, unwanted/unprotected sex, assault, violence, injury or even death. Students who choose not to drink experience second hand consequences that are often compounded or created by others substance use. In addition to physical sexual advances or assault, these students also experience damaged property, disrupted sleep and study.

To assist you in addressing the health risks of alcohol and drugs, Worcester State offers the following services:

- AlcoholEdu
- Alcohol and Drug Education Programming
- Off-campus resources
- Counseling services

These services for students, faculty and staff are available on campus through a variety of offices which include: Counseling Services, Office of Health & Wellness, Health Services, Worcester State Police and Residence Life.

The following is a chart of MINIMUM sanctions for violations of the Alcohol Policy. 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. Levels may be increased with number of violations.

MINIMUM SANCTIONS FOR <u>ALCOHOL</u> VIOLATIONS	
IN THE PRESENCE OF ALCOHOL OR IN POSSESSION OF EMPTY CONTAINERS OF ALCOHOL, INCLUDING DECORATIVE CONTAINERS:	
Resident Student	Commuter Student
Written Warning	Written Warning
Subsequent violations for being in the presence, or in possession of empty containers of alcohol, (including decorative containers) will result in increased sanctions and levels.	
ALL OTHER ALCOHOL VIOLATIONS: each level includes all sanctions listed as a minimum.	
Level 1	
Resident Student	Commuter Student
General Probation for one semester (15 weeks)	General Probation for one semester (15 weeks)
Complete an alcohol education course	Complete an alcohol education course
Parental/Guardian Notification for students under the age of 21.	Parental/Guardian Notification for students under the age of 21.
Level 2	
Resident Student	Commuter Student
Disciplinary Probation for no fewer than 6 weeks and no more than 15 weeks.	Disciplinary Probation for no fewer than 6 weeks and no more than 15 weeks.
Residence Hall Suspension for up to one academic year	No Trespass Notice from the residence halls for up to one academic year.
\$100.00 fine	\$100.00 fine
Parental/Guardian Notification for students under the age of 21.	Parental/Guardian Notification for students under the age of 21.
Level 3	
Resident Student	Commuter Student
Residence Hall Expulsion and/or Suspension from Worcester State.	Permanent No Trespass Notice from the residence halls and/or Suspension from Worcester State.
Disciplinary Probation for one semester (15 weeks).	Disciplinary Probation for one semester (15 weeks).
Parental/Guardian Notification for students under the age of 21.	Parental/Guardian Notification for students under the age of 21.

The following is a chart of MINIMUM sanctions for violations of the Drug Policy. 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.

MINIMUM SANCTIONS FOR <u>DRUG</u> VIOLATIONS	
Level 1	
Resident Student	Commuter Student
Disciplinary Probation for no fewer than 15 weeks.	Disciplinary Probation for no fewer than 15 weeks.
Complete a drug education course	Complete a drug education course
\$100 fine	\$100 fine
Parental/Guardian Notification for students under the age of 21.	No Trespass Notice from the residence halls for up to one academic year.
	Parental/Guardian Notification for students under the age of 21.
Level 2	
Resident Student	Commuter Student
Disciplinary Probation for no fewer than 15 weeks and no more than 30 weeks.	Disciplinary Probation for no fewer than 15 weeks and no more than 30 weeks.
Residence Hall Expulsion and/or Suspension from Worcester State for up to one year.	Permanent No Trespass Notice from the residence halls and/or Suspension from Worcester State.
\$150.00 fine	\$150.00 fine
Parental/Guardian Notification for students under the age of 21.	Parental/Guardian Notification for students under the age of 21.
Level 3	
Resident Student	Commuter Student
Worcester State Suspension and/or Expulsion	Worcester State Suspension and/or Expulsion
Parental/Guardian Notification for students under the age of 21.	Parental/Guardian Notification for students under the age of 21.

Key for chart on Penalties of Distribution Offenses below:

SP – State Penitentiary **HC** – House of Corrections
NMT – no more than **NLT** – no less than

PENALTIES FOR DISTRIBUTION OFFENSES		
CLASS A G.L. c. 94C, § 32	Class B G.L. c. 94C, § 32A(a)	Class B G.L. c. 94C, § 32A(c) <i>Aggravated offense for Cocaine, Phencyclidine and Methamphetamine</i>
Basic Offense: SP NMT 10yrs; or HC NMT 2½ yrs; and /or Fine NLT \$1,000, NMT \$10,000	Basic Offense: SP NMT 10yrs; or HC NMT 2½ yrs; and /or Fine NLT \$1,000, NMT \$10,000 <i>Note: There is no mandatory minimum unlike the aggravated version.</i>	Aggravated basic Offense: SP NLT 2½, NMT 10 yrs; HC NLT 1 yr, NMT 2½ yrs; Mandatory minimum of 1 yr; and Fine NLT \$1,000, NMT \$10,000
Subsequent offense: SP NLT 5 yrs, NMT 15 yrs; Mandatory minimum of 5 yrs; and Fine NLT \$2,500, NMT \$25,000	Subsequent offense: SP NLT 3 yrs, NMT 10 yrs; Mandatory minimum of 3 yrs; and Fine NLT \$2,500, NMT \$25,000	Subsequent offense: SP NLT 5 yrs, NMT 15 yrs; Mandatory minimum of 5 yrs; and Fine NLT \$2,500, NMT \$25,000
CLASS C G.L. c. 94C, § 32B	CLASS D G.L. c. 94C, § 32C	CLASS E G.L. c. 94C, § 32D
Basic Offense: SP NMT 5 yrs; or HC NMT 2½ yrs; and /or Fine NLT \$500, NMT \$5,000	Basic Offense: HC NMT 2 yrs; and /or Fine NLT \$500, NMT \$5,000	Basic Offense: HC NMT 9 months; and /or Fine NLT \$250, NMT \$2,500
Subsequent offense: SP NLT 2½ yrs, NMT 10 yrs; or HC NLT 2 yrs, NMT 2½ yrs; Mandatory minimum of 2 yrs; and/or Fine NLT \$1,000, NMT \$10,000	Subsequent offense: HC NLT 1 yr., NMT 2½ yrs; and/or Fine NLT \$1,000, NMT \$10,000	Subsequent offense: HC NMT 1½ yrs; and/or Fine NLT \$500, NMT \$5,000

Notes

Difference Between Class B and Aggravated Class B Offense. The purpose of § 32A(c) is to single out for more stringent punishment three of the substances (phencyclidine, cocaine and methamphetamine) that are included within the broader prohibition of sbsecciton (a), which prohibits Class B substances generally. Thus, cocaine distribution is prohibited by two different statutory sections. *Comm. v Zwickert*, 37 Mass. App. Ct. 364 (12994). This sentencing scheme is constitutionally permissible. *Cedeno v. Comm.*, 404 Mass. 190 (1989).

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Key for chart on Penalties for Trafficking Offenses below:

SP – State Penitentiary **HC** – House of Corrections
NMT – no more than **NLT** – no less than

PENALTIES FOR TRAFFICKING OFFENSES		
Class D MARIJUANA	Class B COCAINE [To qualify, substance must be cocaine, in any of its forms, or phenmetrazine]	Class A HEROIN [To qualify, substance may be heroin, morphine, opium or any derivative]
50 but less than 100 pounds: SP NLT 2½ yrs, NMT 15 yrs; or HC NLT 1 yr, NMT 2½ yrs; Mandatory minimum 1 yr incarceration; and Fine NLT \$500, NMT \$10,000	14 grams but less than 28 grams: SP NLT 3 yrs, NMT 15 yrs; Mandatory minimum 3 yrs incarceration; and Fine NLT \$2,500, NMT \$25,000	14 grams but less than 28 grams: SP NLT 5 yrs, NMT 20 yrs; Mandatory minimum 5 yrs incarceration; and Fine NLT \$5,000, NMT \$50,000
100 but less than 2,000 pounds: SP NLT 3 yrs, NMT 15 yrs; Mandatory minimum 3 yrs incarceration; and Fine NLT \$2,500, NMT \$25,000	28 grams but less than 100 grams: SP NLT 5 yrs, NMT 20 yrs; Mandatory minimum 5 yrs incarceration; and Fine NLT \$5,000, NMT \$50,000	28 grams but less than 100 grams: SP NLT 7 yrs, NMT 20 yrs; Mandatory minimum 7 yrs incarceration; and Fine NLT \$5,000, NMT \$50,000
2,000 but less than 10,000 pounds: SP NLT 5 yrs, NMT 15 yrs; Mandatory minimum 5 yrs incarceration; and Fine NLT \$5,000, NMT \$50,000	100 grams but less than 200 grams: SP NLT 10 yrs, NMT 20 yrs; Mandatory minimum 10 yrs incarceration; and Fine NLT \$10,000, NMT \$100,000	100 grams but less than 200 grams: SP NLT 10 yrs, NMT 20 yrs; Mandatory minimum 10 yrs incarceration; and Fine NLT \$10,000, NMT \$100,000
10,000 pounds or more: SP NLT 10 yrs, NMT 15 yrs; Mandatory minimum 10 yrs incarceration; and Fine NLT \$20,000, NMT \$200,000	200 grams or more: SP NLT 15 yrs, NMT 20 yrs; Mandatory minimum 15 yrs incarceration; and Fine NLT \$50,000, NMT \$500,000	200 grams or more: SP NLT 15 yrs, NMT 20 yrs; Mandatory minimum 15 yrs incarceration; and Fine NLT \$50,000, NMT \$500,000

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DRUGS OF ABUSE

DRUGS		TRADE OR OTHER NAMES	DEPENDENCE PHYSICAL
NARCOTICS			
Opium	Dover's Powder, Paregone, Parapectolin	High	
Morphine	Morphine, MS-Contin, Roxanol, Roxanol SR	High	
Codeine	Tylenol w/Codeine, Empirin w/Codeine., Robitussin A-C, Fiorinal w/Codeine	Moderate	
Heroin	Diacetylmorphine, Horse, Smack	High	
Hydromorphone	Diauid	High	
Meperidine (Pethidine)	Demerol, Mepergan	High	
Methadone	Dolophine, Methadone, Methadose	High	
Other Narcotics	Numorphan, Percodan, Percacet, Tylox, Tussionex, Fentanyl, Darvon, Lomotil, Tatwin	High - Low	
DEPRESSANTS			
Chloral Hydrate	Noctec	Moderate	
Barbiturates	Amytal, Bubsol, Fiorinal, Lotusate, Nembutal, Seconal, Tuinal, Phenobarbital	High - Mod	
Benzodiazepines	Ativan, Dalmane, Diazepam, Librium, Xanax, Serax, Valium, Tranxex, Verstran, Versed, Halcion, Paxipm, Restoril	Low	
Methaqualone	Quaalude	High	
Glutethimide	Doriden	High	
Other Depressants	Equalnil, Miltown, Noludar, Placydyl, Valmid	Moderate	
STIMULANTS			
Cocaine	Coke, Flake, Snow, Crack	Possible	
Amphetamines	Diphetamine, Delcovese, Desoxyn, Dexedrine, Obetrol	Possible	
Phenmetrazine	Preludin	Possible	
Methylphenidate	Ritalin	Possible	
Other Stimulants	Adipex, Cylert, Didrex, Ionamin, Leflist, Plegine, Sanorex, Tenuate, Tepanil, Prelu-2	Possible	
HALLUCINOGENS			
LSD	Acid, Microdot	None	
Mescaline and Peyote	Merc, Buttons, Cactus	None	
Amphetamine Variants	2.5 DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB	Unknown	
Phencyclidine	PCP, Angel Dust, Hog	Unknown	
Phencclidine Analogues	PCP, PCPy, TCP	Unknown	
Other Hallucinogens	Dufotenine, Ibogaine, DMT, DET, Psilocylin, Pellocyn	None	
CANNABIS			
Marijuana	Pot, Acapulco Gold, Grass, Reefer, Sinsemilia, Thai Sticks	Unknown	
Tetrahydrocannabinol	THC, Marinol	Unknown	
Hashish	Hash	Unknown	
Hashish Oil	Hash Oil	Unknown	
ALCOHOL			
		Repeat use of alcohol can lead to dependence	

PSYCHO-LOGICAL	POSSIBLE EFFECTS	EFFECTS OF OVERDOSE	WITHDRAWAL SYNDROME
High	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
High			
Moderate			
High			
High			
High			
High - Low			
High - Low	Slurred speech, disorientation, drunken behavior without odor of alcohol	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Moderate			
High - Mod			
Low			
High			
Moderate	Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite	Agitation, increase in body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
High			
High			
High			
Moderate			
High	Illusions and hallucinations, poor perception of time and distance	Longer, more intense "trip" episodes, psychosis, possible death	Withdrawal syndrome not reported
Unknown			
Unknown			
Unknown			
High			
High			
Unknown	Euphoria, relaxed inhibitions, increased appetite, disoriented behavior	Fatigue, paranoia, possible psychosis	Insomnia, hyperactivity, and decreased appetite occasionally reported
Moderate			
Moderate			
Moderate			
Repeat use of alcohol can lead to dependence	Impaired judgment and coordination, increased incidence of aggressive acts	Respiratory depression, death	Severe anxiety, tremors, hallucinations, convulsions

ZERO TOLERANCE POLICY

On October 28, 1997 Worcester State University adopted the following policy to ensure the rights of every member of the Worcester State community to freely engage in the pursuit of personal and educational growth...

The following inappropriate behaviors shall lead to student's suspension or dismissal from Worcester State whenever a determination of responsibility has been made. Immediate interim suspension pending a hearing will occur whenever the accused student is deemed a safety threat.

Serious acts against persons, including, but not limited to:

- *Hate crimes*
- *Murder*
- *Physical assault*
- *Rape or other sexual assault*
- *Stalking*

Serious 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

Seriously jeopardizing the safety and lives of others, including but not limited to:

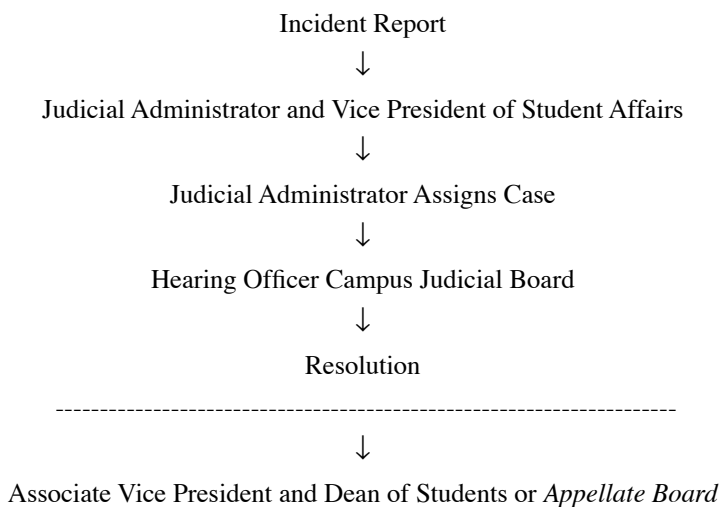
- *Creating or false reporting of bombs*
- *Hazing*
- *Inciting a riot*
- *Resisting arrest*
- *Intentionally tampering with fire safety equipment including causing a false alarm*
- *Driving under the influence of alcohol or drugs*

VIOLATION OF LAW AND WORCESTER STATE UNIVERSITY DISCIPLINE

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

III. JUDICIAL POLICIES AND PROCEDURES

The following flow chart demonstrates the process of the judicial system.



A. Judicial Authority

1. The Judicial Administrator shall determine which judicial body shall be authorized to hear each case.
2. The Judicial Administrator shall develop and implement procedures for the administration of the judicial policies and the conduct of hearings that are consistent with provisions of the Student Code.
3. Decisions made by a judicial body and/or the Judicial Administrator shall be final, pending the normal appeal process.
4. A judicial body may be designated as arbiter of disputes within the student community in cases that do not involve a violation of the Student Code. All parties must agree to arbitration and to be bound by the decision with no right of appeal.

B. Initiation, Notification and Hearing Process

1. Any member of the Worcester State community may report any student for violation of the code of conduct. Reports shall be prepared in writing and directed to the Judicial Administrator. Reports should be submitted as soon as possible after the incident takes place, preferably within Thirty (30) days. The Judicial Administrator has the authority to extend this timeframe on a case-by-case basis.
2. The Judicial 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 Judicial Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the case cannot be disposed of by mutual consent, the Judicial Administrator may later serve in the same matter as the judicial body or a member thereof.
3. All charges shall be delivered to the accused student via email to their Worcester State email address and/or in written form and mailed to the student. The hearing shall be scheduled not less than two (2) or more than fifteen (15) business days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Judicial Administrator.
4. The Judicial Administrator at his/her discretion may schedule an Administrative Hearing or a Campus Judicial Board Hearing in accordance with the following:
 - a. An Administrative Hearing is a hearing conducted by a Hearing Officer appointed by the Vice President of Student Affairs or his/her designee on an annual basis in consultation with the Judicial Administrator.
 - b. The Campus Judicial Board is comprised of faculty members, administrators and students. A full Board consists of five members. A quorum of three members must be present to convene a hearing. In addition to these members, the Board will be chaired by the Judicial Administrator or his/her designee, who will vote only in the event of a tie. The board will be appointed by the Vice President of Student Affairs or his/her designee on an annual basis in consultation with the Judicial Administrator.
5. Hearings shall be conducted by a judicial body according to the following guidelines:
 - a. All procedural questions are subject to the final decision of the chairperson of the judicial body present at the hearing.
 - b. Hearings normally shall be conducted in private, i.e. not open to the public.
 - c. In hearings involving more than one accused student, the chairperson of the judicial body, at his or her discretion, may permit the hearings concerning each student to be conducted separately.

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- d. The complainant and the accused student have the right to be assisted by an advisor of their choice; **however advisors are not permitted to speak or to participate directly in any hearings before a judicial body.** Advisors will not be permitted admission into a hearing if the student they are advising does not attend the hearing. The complainant and/or the accused student are responsible for presenting his or her own information.
 - e. The complainant, the accused and the judicial body shall have the privilege of presenting witnesses, subject to the right of questioning by anyone present (except an advisor).
 - f. Admission of any person to the hearing shall be at the discretion of the judicial body and/or its chairperson.
 - g. Pertinent records, exhibits and written statements may be accepted for consideration by a judicial body at the discretion of the chairperson.
 - h. After the hearing, the judicial body shall determine (by majority vote if the judicial body consists of more than one person) whether the student has violated each section of the Student Code that the student is charged with violating.
 - i. The judicial body's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
 - j. 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 judicial proceedings.
6. There may be a written and/or recorded summation or other type of record as determined by the judicial body and/or Judicial Administrator, of all hearings before a judicial body. The record shall be the property of Worcester State.
 7. A student may not be found to have violated the Student Code solely because the student failed to appear before a judicial body. 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 he/she fail to attend.
 8. In the absence of a functioning judicial 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 Judicial Administrator or his/her designee for all students. Appeals during such time shall be heard by the Vice President of Student Affairs or his/her designee.
 9. 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.
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- b. The request to reopen is made within the two academic semesters following the date of the original final decision. The Judicial Administrator has the authority to extend this timeframe on a case-by-case basis.

C. Sanctions

Worcester State adheres to and upholds a philosophy of progressive discipline whenever appropriate. The judicial 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 a judicial body determines that a student has violated the Student Code, the sanction(s) shall be determined and imposed by the judicial body. Following the hearing, the judicial body shall advise the accused, in writing, of its determination and of the sanction(s) imposed, if any.

1. The following sanctions may be *imposed, deferred, or held in abeyance*:
 - a. Warning - a notice in writing that the student is violating or has violated institutional regulations.
 - b. Loss of Privileges - denial of specified privileges for a designated period of time.
 - c. Fines – imposition of fines as determined by the judicial body.
 - d. Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - e. Discretionary sanctions - work assignments, service to Worcester State, alcohol/other drug education programs or assessments (at the student's expense), or other related discretionary assignments. Such assignments must have the prior approval of the Judicial Administrator.
 - f. Probation - a written reprimand for violation of specified regulations for a designated period of time with the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
 1. **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.
 2. **Disciplinary Probation** – a restrictive probationary status imposed for a specified time period, during which a student is prohibited from the following: Representing Worcester State or holding an elected or appointed student office, participating in

extracurricular activities such as councils, intercollegiate varsity athletics, intramurals, clubs, organizations, student government or other similar Worcester State activities. Additional conditions or restrictions may be imposed. Students found responsible for any further infraction of Worcester State rules, regulations or policies, or who violate the conditions or restrictions of disciplinary probation, will be subject to further judicial action by Worcester State, which may include suspension or expulsion from Worcester State. Disciplinary Probation may also affect a student's eligibility to contract for or continue his/her contract to live in the residence halls.

- g. Residence Hall Suspension - separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. While suspended from the residence halls, the student loses all guest/visitation privileges.
 - h. Residence Hall Expulsion - permanent separation of the student from the residence halls including permanent loss of all guest/visitation privileges.
 - i. Worcester State Suspension - separation of the student from Worcester State for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. During a period of suspension a student is not permitted on Worcester State premises without the expressed written permission of the Vice President of Student Affairs or his/her designee. If a suspended student violates any Worcester State policy, rule or regulation during the suspension period, or any condition of the suspension, the student will be subject to further action by Worcester State in the form of an additional suspension or expulsion. Actions of suspension may be deferred to become effective at a later date, in which case the student shall be placed on Disciplinary Probation until the date the suspension takes effect. No tuition or fees shall be refunded unless granted as a term of the sanction.
 - j. Worcester State Expulsion - permanent separation of the student from Worcester State. The student is not permitted on Worcester State premises without the expressed written permission of the Vice President of Student Affairs or his/her designee.
- 2. More than one of the sanctions listed above may be imposed for any single violation.
 - 3. More severe sanctions shall be imposed for repeated violations of the same policy.

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4. For serious violations, Worcester State may impose a severe sanction for the first offense.
 5. The judicial history of a student will be considered when determining sanctions for additional violations of Worcester State policy. Judicial history is established at the time of the first documented policy violation and remains in effect through graduation or permanent separation from Worcester State.
 6. Disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's judicial record.
 7. 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 housing, or participate in other Worcester State activities.
 8. 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 may notify parents/guardians when students under the age of 21 have been found responsible for violating Worcester State'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 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 final 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 final results of a campus disciplinary proceeding alleging a "crime of violence" when the Accused Student is found responsible.
 9. The following sanctions may be imposed upon organizations:
 - a. Any of the sanctions listed above.
 - b. Deactivation - loss of all privileges, including Worcester State recognition, for a specified period of time.
 10. Sanctions and procedures for Academic Dishonesty: (See Academic Dishonesty Policy)
 11. Failure to complete any sanction will result in one of the following:
 - a. Imposition of Disciplinary Probation until the original sanction has been completed, or
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- b. Imposition of a more severe sanction, if the student is already on Disciplinary Probation.

Regular review of cases will be done on an on-going basis by a *review board* to ensure consistency. Recommendations will be made to the Judicial Administrator on a regular basis.

D. Interim Suspension

In certain circumstances the Vice President of Student Affairs or his/her designee may impose a Worcester State, residence hall, or organizational suspension prior to the hearing before a judicial body.

1. Interim suspension may be imposed:
 - a. To ensure the safety and well-being of members of the Worcester State community or preservation of Worcester State or personal property
 - b. To ensure the student's own physical or emotional safety and well-being
 - c. If the student poses a definite threat of disruption of or interference with the normal operations of Worcester State.
2. 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 activities or privileges for which the student might otherwise be eligible, as the Vice President of Student Affairs or his/her designee may determine to be appropriate.
3. No tuition or other fees shall be refunded unless such a refund is granted as a result of the disposition of the case.
4. A student on whom an interim suspension has been imposed will be accorded a hearing as promptly as circumstances permit.

E. Appeals

1. A decision reached by a judicial body may be appealed by the accused student(s) to the Appellate Board or Dean of Students no later than 5:00PM on the fifth (5) business day from the date of the decision letter. You must complete the appeal form found on www.worcester.edu/JudicialAffairs.
2. If you fail to appear at your original hearing without consent of your Hearing Officer you may lose your right to appeal.
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.

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- c. To determine whether the sanction(s) imposed were appropriate.
 - d. 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.

A request for an appeal shall be denied if the Judicial 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 assigned.
5. In cases of sexual violence the reporting party of the offense may appeal the decision to the appellate board or Dean of Students. Appeals of this nature must only be submitted if they meet the criteria outlined in 3d as stated above.
6. Upon completion of the appellate hearing, the Appellate Board or Dean of Students shall promptly notify the accused student of the outcome of the appeal. Said decision(s) shall take one of the following forms:
 - a. **Appeal Upheld:** The accused 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 Judicial Administrator for re-opening of a hearing to allow reconsideration of the original determination and/or sanction(s).
 - b. **Appeal Denied:** The accused student's request for appeal is denied and the findings and/or sanctions stand.
7. In the case of extraordinary circumstances, the Vice President of Student Affairs, or his/her designee, may waive the deadline for filing an appeal. The decision to waive a deadline shall be final.
8. The decision of any appellate board or the Dean of Students is final.

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

IV. INTERPRETATION AND REVISION

- A. Any question of interpretation regarding the Student Code shall be referred to the Judicial Administrator or his/her designee for final determination.
- B. Worcester State policies may be established or revisions made to existing policies through appropriate procedures. When changes are made, such additions or revisions will be publicized.
- C. The Student Code shall be reviewed at least every **three** years under the direction of the Judicial Administrator.

GLOSSARY

- Appellate Board:** At least three persons authorized by the Dean of Students to consider an appeal of a judicial body's determination of findings/results and/or sanctions. The Dean of Students shall serve as chairperson of the Appellate Board.
- Deferred:** When a sanction is postponed to be completed at a predetermined date in the future.
- Guest:** Includes but is not limited to, any person(s) a student invites to his/her room, apartment, building, or to Worcester State premises; and/or person(s) present and involved in activity within his/her room, apartment, building, or elsewhere on the Worcester State premises.
- 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.
- Judicial Administrator:** The Worcester State official who coordinates and oversees the implementation of the Student Code of Conduct and the Judicial System.
- Judicial Body:** Any person or persons authorized by the Dean of Students to determine whether a student has violated the Student Code and to determine sanctions.
- 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. The Vice President of Student Affairs and/or Judicial Administrator shall determine a person's status when in question.

GLOSSARY *(continued)*

- 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.
- Policy:** The written regulations of Worcester State as found in, but not limited to, the Student Code, Residence Life Handbook, Student Handbook, and Graduate/Undergraduate Catalog.
- Recognized
Worcester State
University
Officials:** Faculty, Worcester State staff and students who are employed by Worcester State and acting on behalf of Worcester State.
- Review Board:** At least three persons appointed by the Vice President of Student Affairs or his/her designee who will regularly review cases to ensure consistency of findings/sanctions.
- RIAA:** Recording Industry Association of America
- Shall:** Is used in the imperative sense
- Student:** Includes all persons taking courses at Worcester State, both full-time and part-time, pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with Worcester State are considered “students.”
- 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 including adjacent streets and sidewalks.

GUIDE TO ACADEMIC HONESTY

Academic Honesty

Academic integrity is an essential component of a college/university education. Education is both the acquisition of knowledge and the development of skills that lead to further intellectual development. Faculty are expected to follow strict principles of intellectual honesty in their own scholarship; students are held to the same standard. Only by doing their own work can students gain the knowledge, skills, confidence and self-worth that come from earned success; only by learning how to gather information, to integrate it and to communicate it effectively, to identify an idea and follow it to its logical conclusion can they develop the habits of mind characteristic of educated citizens. Taking shortcuts to higher or easier grades results in a college/university experience that is intellectually bankrupt.

Academic integrity is important to the integrity of the college/university community as a whole. If Worcester State awards degrees to students who have not truly earned them, a reputation for dishonesty and incompetence will follow all of our graduates. Violators cheat their classmates out of deserved rewards and recognition. Academic dishonesty debases the institution and demeans the degree from that institution.

It is in the interest of students, faculty, and administrators to recognize the importance of academic integrity and to ensure that academic standards at Worcester State remain strong. Only by maintaining high standards of academic honesty can we protect the value of the educational process and the credibility of the institution and its graduates in the larger community.

What Constitutes Academic Dishonesty?

Academic dishonesty includes intentional violations of accepted standards of ethics and academic integrity as well as negligent violations of standards that the individual reasonably should have known and followed. The following is not an exhaustive list of violations but provides guidelines for evaluating common areas of concern, such as cheating, plagiarism and falsification of information. Violations of academic honesty include:

1. **Cheating**, including but not limited to:
 - a. traditional cheating methods including copying on exams or assignments, letting other students copy one's own work, using crib sheets in quizzes and tests, glancing at other students' work, or giving answers to other students
 - b. giving or receiving unauthorized assistance in exams, laboratory exercises or other academic assignments or attempting to do so, or using unauthorized materials or information sources on tests or assignments, including communication via cell phones or computers or use of materials stored on or accessed by computer or other digital

media, or collaboration between or among more than one student on an assignment that is supposed to be done individually

- c. submitting someone else's work as one's own or allowing others to claim one's own work as theirs including misrepresenting one's identity in an online course or allowing others to do so
- d. obtaining from any source an unauthorized copy of a test or assignment or portion of a test or assignment, and/or disseminating such material through any means including cell phone or computer.

2. Plagiarism, including but not limited to:

- a. use of other people's ideas, words, research or artistic creations without giving credit
 - i. submitting any work, including homework, not done by the person who hands it in and whose name is on it
 - ii. submitting papers or other work purchased, copied or obtained free in whole or part from another source, including papers from the internet or from another person, including a friend or a relative
 - iii. using another person's unpublished ideas without permission, taking credit for another person's unpublished ideas, or taking sole credit for the product of joint efforts with another person
- b. improper or inadequate citation of material from books, professional periodicals, magazines, websites, unpublished reports, personal communications, images, graphic materials or other citable sources
 - i. use of facts, data, or specific ideas without citing the source
 - ii. inaccurate or incomplete citation of sources
 - iii. quoting another's words without indicating it is a quotation
 - iv. using extensive quotations in place of one's own ideas, even when cited

Note: standards and forms for citation vary among disciplines and even among teachers. Students should ask their teachers about the expectations for any particular course or project.

3. Misrepresentation or falsification of information, including but not limited to:

- a. intentionally misrepresenting information to help make a point not supported by the work including misquoting or taking ideas out of context
- b. falsifying the collection or interpretation of data in a research project
- c. citing sources not used
- d. falsifying one's qualifications, including academic background or other experience.

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4. **Seeking credit for the same work** in more than one course, including but not limited to:
 - a. submitting the same paper or project, or significant parts of the same paper or project, to two or more different courses without getting permission from the professors who give the grades
 - b. using the same internship or fieldwork experience for two or more different courses without prior permission from the professors and internship supervisors involved.
 5. **Other academic misconduct**, including but not limited to:
 - a. forging, damaging or changing examinations, grades or other academic material or records including written and/or electronic material and records
 - b. interfering with or damaging another student's work including homework, papers, laboratory assignments, artistic creations or research projects
 - c. removing or damaging academic material or equipment, including electronic data, belonging to Worcester State or any other member of the Worcester State community
 - d. deliberately making a false report of academic misconduct or covering up an incident of academic misconduct.

What Are Possible Sanctions?

If the instructor chooses to resolve this issue without referring it to the Academic Judicial Board, he or she has the power to give the student penalties such as a warning, a new assignment or test to replace the one which was not done honestly, or a failing grade on the work in question or in the class. Instructors do not have the power to assign community service or to expel the student: those penalties are in the power of the Academic Affairs office/Academic Judicial Board only.

Typically, instructors will use these powers to deter the student from cheating in the future without branding the student as dishonest in any official record; they may warn the student that they will come forward with proof of this infraction if they hear that the student has repeated the offense. Instructors may choose to give warnings, require new work, and/or give failing grades on assignments will do so the first time a student turns in dishonest work; a failing grade in the class is usually reserved for repeat offenders and serious, deliberate offenses such as turning in work done by another student as one's own, using electronics to get answers during in-class exams, or stealing exams or answer keys before a test.

The student has the right to appeal any instructor's decision to the Academic Judicial Board which may uphold or change the instructor's decision.

The Judicial Board may assign penalties ranging from a warning to expulsion. Comprised of faculty, students, and administrators, its membership is designed to

be aware of the differences between different kinds of academic dishonesty and of the strains and temptations that may lead to bad decisions.

Unless it is dealing with repeat offenders, the Judicial Board will probably respond to minor infractions with failing grades on the particular assignment in question or in the course. Deliberate dishonesty, such as use of answer keys or electronic aids during exams, theft of examination papers prior to the test, submission as one's own of work done by another student or found or purchased online, etc. should be grounds for a failing grade in the course, with community service hours in addition as a possibility.

Repeated infractions would put offenders at risk of expulsion, as would extremely serious offenses, like stealing an examination and sharing it with other students before the test or having another student take a test in one's place in an online course.

Students at risk of expulsion will be given a written warning, which they will be required to sign and return within 10 working days.

Acts that are not only dishonest, but criminal, like changing a grade through illegal access to Worcester State computers, can be punished by expulsion without prior warning.

Undergraduate Policies and Procedures for Handling Cases of Academic Dishonesty

1. Students' Rights

- a. Students will have the presumption of innocence until proven guilty.
- b. Students will continue their student status unless and until sanctions are imposed at the conclusion of judicial sanctions which would limit or remove this status.
- c. Students are allowed to have an advisor of their choosing at hearings of the Academic Judicial Board. The advisor may counsel the student during the hearing but may not address the Board.
- d. Students are allowed to view evidence against them.
- e. Hearings at the Academic Judicial Board will proceed even if the student does not appear. However, the student's absence cannot be the reason a student is found guilty.
- f. Students will be notified via certified mail if a report is being made concerning them in the Central File.
- g. Students may review their records in the Central File within 45 days of the day Worcester State receives a request for access, as stated in FERPA.
- h. Students may ask Worcester State to amend a record that they believe is inaccurate or misleading. They should write to the Vice President for Academic Affairs, clearly identify the part of the record they

want changed, and specify why it is inaccurate or misleading.

Students should submit to the Vice President for Academic Affairs written requests that identify that they wish to view their record(s) in the Central File. The Vice President will make arrangements for access and notify the student of the time and place where the records may be inspected.

If the VP for Academic Affairs decides not to amend the record as requested by the student, Worcester State will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

2. Initiation

In cases involving the violation of academic integrity, students and faculty are strongly encouraged to resolve matters without resorting to official judicial proceedings. If the faculty member and student are unable to resolve the issue themselves, the chair of the department in which the course was taken should be asked to mediate. If resolution is not possible at this level, the case will go to the Academic Judicial Board (refer to 3 below).

Faculty members and appropriate administrators are strongly urged to report any violations of academic integrity to the Academic Central File.

3. Academic Central File

An Academic Central File of students proven to have violated Worcester State's Academic Honesty Policy will be kept in the Office of Academic Affairs. Only the Academic Vice President or his/her designee will have direct access to the Central File. A file will only be created for a student upon a case's final resolution with a faculty member, with a department chair, or with the Academic Judicial Board.

Faculty members have the option of reporting students to the Academic Central File. Reports, which are statements of resolutions of cases and not allegations, that are sent to the Academic Central File must be supported with proof of some kind. For example, the instructor may submit a copy of a plagiarized paper along with a printout of the same paper from the internet. A faculty member who reports a student for the kind of cheating that can't be proved without a camera (copying from the person in the next chair, sneaking a peak at the book in a closed-book test, asking a classmate for an answer) must provide the reasons for the accusation in writing. Students who are added to the Academic Central File will be informed of the fact in writing.

Reporting a student is not necessarily linked to a disciplinary action; the faculty member still has discretion over whether to take the case to a judicial hearing. In special cases, when the Provost/Academic Vice President notices

that a student has two or more significant violations in the Central File, he or she can refer the case to the Academic Judicial Board, which may then initiate disciplinary proceedings against this student.

Faculty members who provide evidence that a student in their course has violated the Academic Honesty Policy may meet with the Provost/Vice President of Academic Affairs or his/her designee to find out if a student has a file, and if so, how many times he/she has been reported to the Academic Central File. Relevant information limited to the student's name and number of times he/she has been reported to the Central file may be disclosed to a faculty member to assist in making decisions regarding cases of academic honesty. The procedures by which students access these files will be the same as those for accessing their academic records. The Academic Judicial Board, in the course of deciding a case of academic dishonesty, may access a student's file. A student's files are purged according to current FERPA rules. Students' files are purged upon graduation, withdrawal, dismissal or transfer from Worcester State. When a student's file(s) have been purged, the student will be notified in writing by certified mail.

4. Academic Judicial Board

At any point beyond the departmental level, either the student or the faculty member may elect to take the issue to the Academic Judicial Board following the procedures outlined below.

- a. A student may request an Academic Judicial Board hearing:
 - i. Because she or he has been unable to resolve an accusation of academic dishonesty with a faculty member or the chair of that faculty member's department.
 - ii. In response to a notice that an Academic Central File posting is to be made.

The student makes this request, in writing, to the Chairperson of the Academic Judicial Board, in care of the Office of Academic Affairs.

- b. Any member of the Worcester State community may report any student to the Academic Judicial Board for violations of the Academic Honesty Policy. Reports shall be prepared in writing, directed to the Chairperson of the Academic Judicial Board (in care of the Office of Academic Affairs), and submitted as soon as possible after the incident takes place, preferably within 30 days. The Chairperson has the authority to extend this timeframe on a case-to-case basis.
- c. The Chairperson will determine if the complaint lacks merit and/or if it can be disposed of by mutual consent of the parties involved on a basis acceptable to the Chairperson. Such disposition shall be final, and there shall be no subsequent proceedings. If the case cannot

be disposed of by mutual consent, the matter will proceed to the Academic Judicial Board.

- d. All charges shall be presented to the accused student in writing via certified mail with return receipt requested; the same letter will also be sent by first class mail to the student's current address as registered with Worcester State. The hearing shall be scheduled not less than seven or more than fifteen calendar days after the student has been notified. All parties shall receive at least seven days advance written notice of the date, time and place of the hearing. Maximum time limits for scheduling of hearings may be extended at the discretion of the Chairperson.
- e. The Chairperson will schedule an Academic Judicial Board hearing.
 - i. The hearing will be conducted by the Chairperson of the Academic Judicial Board, chosen by the board members.
 - ii. The Academic Judicial Board is comprised of two faculty members, one administrator and two students. The faculty members are appointed by the MSCA. The administrative member is appointed by the Associate Vice President of Academic Affairs, in consultation with the Vice President of Academic Affairs. The student members are appointed by the Student Government.
 - iii. A quorum of three members must be present to convene a hearing.
- f. Hearings shall be conducted by the Academic Judicial Board according to the following guidelines:
 - i. All procedural questions are subject to the final decision of the Chairperson of the Academic Judicial Board present at the hearing.
 - ii. Hearings shall be conducted in private.
 - iii. In hearings involving more than one accused student, the Chairperson of the Academic Judicial Board, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
 - iv. The complainant and the accused each have the right to be assisted by an advisor from the Worcester State community. Advisors may counsel their respective party during the hearings, as permitted by the Academic Judicial Board. Advisors are not permitted to participate directly in the hearing.
 - v. The complainant, the accused and the Academic Judicial Board shall have the privilege of presenting witnesses to any violations of academic integrity. The accused and the complainant shall

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- have the opportunity to cross-examine witnesses presented by the other. Members of the Academic Judicial Board shall have the right to question any witnesses.
- vi. All hearings are closed to friends and relatives of the accused unless they were actual witnesses to the violation of academic integrity. Witnesses are excluded from the hearing except when called to testify.
 - vii. Pertinent records, exhibits and written statements may be accepted for consideration by the Academic Judicial Board at the discretion of the chairperson.
 - viii. After the hearing, the Academic Judicial Board shall determine by majority vote whether the student has violated Worcester State's standards of academic honesty.
 - ix. The Academic Judicial Board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the rules of academic honesty in the manner charged against him or her.
- g. A written record of Academic Judicial Board proceedings shall be made by the board or its secretary. This record shall be the property of Worcester State and will be housed in the Office of Academic Affairs. The record will state the final decision of the board, a statement of the board's findings of fact, its determination of the provision(s) of the Academic Honesty Policy, if any, that the student violated and the sanction(s), if any, imposed. The record may also include a summation of witness testimony. A copy of the final decision shall be given to the complainant and the accused.
 - h. Students may not be found to have violated the Academic Honesty Code solely because they fail to appear before a judicial body for a scheduled 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 he/she fail to attend.
 - i. In the absence of a functioning Academic Judicial Board or Academic Board of Appeals, such as during exams or during the summer and semester breaks, disciplinary hearings (under this Section 3, and the following Section 4) will be the responsibility of the Associate Vice-President of Academic Affairs or his/her designee. When he/she deems it appropriate, a hearing may be postponed until the beginning of the new semester.
 - j. Possible sanctions that the Academic Judicial Board could impose would depend upon the severity of the offense; however, the Board could choose to uphold the original faculty decision or impose

another punishment, which might include failing the course, expulsion from the major or program, or expulsion from Worcester State.

5. Academic Judicial Board of Appeals

The purpose of the Academic Judicial Board of Appeals is to conduct procedural reviews of cases. It is not intended as an evidentiary panel. It is not the job of the Academic Judicial Board of Appeals to hear new evidence.

- a. A decision reached by the Academic Judicial Board may be appealed by the accused student(s) or the complainant to the Academic Judicial Board of Appeals within five working days of the date of the decision letter. Such appeals shall be in writing and shall be delivered to the Associate Vice President of Academic Affairs or his/her designee.
- b. The Academic Judicial Board of Appeals will consist of one administrator, two students and two faculty members and will be chosen in the same manner as the members of the Academic Judicial Board (see 3.e.ii. above). The administrator in this case, will be the Associate Vice President of Academic Affairs or his/her designee.
- c. In cases where the student files an appeal, the complainant, and, in cases that were decided by Academic Judicial Board hearing, the Chairperson of that Board, shall be notified. In cases where the appeal is not initiated by the student, the student shall be notified.
- d. An appeal is not a new hearing but is a review of the summation/record of the initial hearing and supporting documents for one or more of the following purposes:
 - i. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures.
 - ii. To determine whether the finding of responsibility or no responsibility is supported by the weight of the evidence.
 - iii. To determine whether the sanctions imposed were inappropriate.
- e. When the appellant wishes to introduce 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, the Chairperson of the Academic Judicial Board of Appeal (the Associate Vice President of Academic Affairs) will decide whether to instruct the Academic Judicial Board to convene a new hearing of the case. If a case is returned to the Academic Judicial Board for consideration of new evidence, all parties shall have equal opportunities to submit new material.

f. Upon completion of the appellate hearing, the Academic Judicial Board of Appeals shall promptly notify the accused student, the complainant and the chair of the Academic Judicial Board of the outcome of the appeal. Said decision(s) shall take one of the following forms:

Appeal Upheld: the appellant's request for relief has been honored. In the case of an upheld appeal, the new findings/sanctions shall be stated;

or

Appeal Denied: the appellant's request for relief is denied and the finding(s) and/or sanction(s) stand.

- g. In extraordinary circumstances, the Associate Vice President of Academic Affairs or his/her designee may waive the deadline for filing an appeal. The decision to waive or not to waive a deadline shall be final and shall not be subject to any appeal.
- h. No disciplinary sanction shall be imposed while an appeal is pending unless the Associate Vice President of Academic Affairs determines that such action would be in the best interest of the Worcester State community.

6. Administrative Failing Grade

In cases where the sanction for academic dishonesty is determined to be a failing grade for the course, the registrar will be informed immediately. The registrar will record an administrative failure. Such a grade is not subject to withdrawal or appeal. A student who receives a failing grade for a course due to a violation of academic honesty cannot eradicate that failure through the normal grade appeal process or by withdrawing from the course.



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