



WORCESTER
STATE
UNIVERSITY

CODE OF CONDUCT
AND THE
CONDUCT SYSTEM



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WORCESTER STATE UNIVERSITY

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PURPOSE

This booklet contains the complete text of the *Student Code of Conduct and Conduct System*. The publication is designed to serve as a reference 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**](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 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 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 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, 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 University.

The conduct code that follows outlines the 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 code and procedures to follow are included to ensure that both the accused student and, where applicable, the victim/survivor 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.

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:

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

CONDUCT – RULES AND REGULATIONS

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in the *Conduct 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 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. Bomb threat policy
 - c. Gambling and Bookmaking Policy
 - d. Guest Policy
 - e. Hazing Policy/Chapter 665
 - f. Leafleting Policy
 - g. Sales and Solicitation Policy
 - h. Sexual Violence Policy
 - i. Social Network and Code of Behavior and Caution
 - j. Sound Emission Policy
 - k. Weapons and Hazardous Materials Policy
 - l. Drone Policy
 - m. Hoverboard Policy
 - n. WSU Statement on Community and Free Speech
2. 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.

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3. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other Worcester State University 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.
 4. Conduct that threatens or endangers the health or safety of any person including but not limited to:
 - a. physical abuse
 - b. verbal abuse
 - c. threats
 - d. intimidation
 - e. harassment
 - f. coercion
 - g. retaliation
 5. 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.
 6. 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, or with expressed written permission from the Dean of Students or their designee.
 7. Attempted or actual theft of Worcester State University property or property of a Worcester State University community member or other public property.
 8. 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.
 9. Damage and/or Vandalism to Worcester State University property or property of a Worcester State University community member or other public property

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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 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 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 University.
 - Bullying through the use of technology or any electronic means (cyberbullying).
 11. 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.
 12. 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.
 13. Misuse of OneCard which includes, but not limited to: possession of another person's OneCard and/or giving out your OneCard to another person.
 14. 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.
 15. 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.

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16. 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.
 17. 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.
 18. False reporting of an emergency. The false reporting of a bomb, or other emergency, falsely activating a fire alarm or otherwise falsely reporting an emergency.
 19. 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
 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. Violation of Information Technology Services policies www.worcester.edu/information-technology including but not limited to:
 - a. **Network Acceptable Use Policy**—This statement represents a guide to the acceptable use of the Worcester State University Network for data communications.
 - b. **Copyright and Protected Digital Content Policy**—Worcester State University 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.

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- c. **RIAA & MPAA Complaint Policy**—Worcester State University will support the privileges of copyright owners of intellectual or creative property. This policy outlines Worcester State University’s response to complaints by RIAA, MPAA (or similar organizations) of potential copyright violations.
22. Interference with the processes of the Conduct System, including, but not limited to:
- a. Falsification, distortion, or misrepresentation of information before a *conduct body*.
 - b. Disruption or interference with the orderly conduct of a conduct proceeding.
 - c. 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 a member of a conduct body prior to, and/or during the course of, the conduct proceeding.
 - f. Harassment (verbal or physical) and/or intimidation of a member of a conduct body 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.
23. Violation of federal, state or local law and any other Worcester State University policies, rules or regulations on Worcester State University premises or at Worcester State University-Sponsored or supervised activities or off-campus where Worcester State University jurisdiction applies.
24. Conduct that has a detrimental effect on the reputation of Worcester State University.
25. Failure to abide by the Tobacco Free Campus Policy

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26. 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 of be disorderly
 27. Violation of Worcester State Residence Hall Policies.
 28. Tampering with any mechanical, plumbing, or electrical infrastructure.
 29. Illegal or unauthorized occupation of an office.
 30. Disruption to the Worcester State University community.

WORCESTER STATE UNIVERSITY

TOBACCO FREE CAMPUS POLICY

Background

In 1997, the Massachusetts Legislature passed a law prohibiting smoking in State buildings. Mass. Gen. Laws Chapter 270, section 22. Specifically this law prohibits smoking in (1) the State House; (2) any building owned by the Commonwealth; and (3) any space occupied by a state agency or department of the Commonwealth but located in a building not owned by the Commonwealth. This law also prohibits smoking on public transportation and in all state vehicles.

Smoking in the Workplace

Pursuant to Mass. Gen. Laws Chapter 71 section 37H, smoking is prohibited in all public school buildings and grounds. All public school employees, students, and visitors are restricted from using any tobacco product, including smoking or chewing, within school buildings, the school facilities, or on school buses. Worcester State University accepts this law as binding upon its students and employees, as well as visitors to our school and buildings.

POLICY

1. Smoking and/or the use of tobacco products, including any nicotine delivery system, will not be permitted in or on University property, University- leased property, including buildings, dormitories, grounds, community garden, athletic fields, walkways, parking lots, and bus stops; all other property (enclosed or outdoors) owned, leased or operated by the University. The sale of any tobacco products, including smokeless tobacco, and nicotine delivery systems is prohibited on any property owned or leased by the University.
2. Smoking and/or the use of tobacco products in the University owned or leased vehicles is prohibited. Smoking and/or the use of tobacco products is also prohibited in personal vehicles when those vehicles are on University property.
3. Compliance with this policy is mandatory for all employees, faculty, staff, students, and visitors of the University.
4. Any employee who repeatedly violates this policy may be subject to disciplinary action.

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5. Any student who repeatedly violates this policy will be referred to the University's Student Conduct office for disciplinary action.
 6. The University will not tolerate retaliation against any person who takes any action in furtherance of the enforcement of this policy or who exercises any right conferred by this policy.
 7. The University expects that all members of the campus community will respect the intent of this Policy and will comply with it voluntarily; however, it is the responsibility of anyone observing or affected by a violation of the Policy to remind the user of the Policy. If such a reminder is not effective, the individual should report the violation to University Police. If the alleged violator is an employee or a student, the violator could be subject to disciplinary action.
 8. Worcester State University asks our students, employees, faculty, and staff to help maintain a positive relationship with our neighbors. Smoking off campus does not give any smoker the right to litter on private or public property. Worcester State will inform our neighbors about our new smoke-free standards, and will encourage our neighbors to contact the University should problems arise. Worcester State would also like to remind you that smoking is prohibited on public school grounds, including the two schools that surround the University's campus.

ALCOHOL POLICY

All policies and regulations regarding the consumption and/or sale of alcoholic beverages on the Worcester State University premises or off-campus where Worcester State University 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 University premises or off-campus where Worcester State University jurisdiction applies:

- Worcester State University prohibits the possession, consumption, storage or service of alcohol by students with the exception of prior approval from the Dean of Students Office or designee, and 21+ apartments designated by the Office of Residence Life and Housing.
- 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 University'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 University campus.

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- 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.
 - 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 University housing or from Worcester State University for any disciplinary infraction(s), including but not limited to alcohol, no refund of any Worcester State University 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 University 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 University Policy.
- Students are encouraged and expected to seek help from Worcester State University Police or other Worcester State University 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.

RESIDENCE HALL 21+ HOUSING

There are 21+ housing options that Residence Life and Housing offers in Chandler Village and Wasylean Hall only. Please see the specific policy located in the Residence Hall Handbook. Any violation of that policy will be considered an alcohol policy violation.

ALCOHOL AND DRUG EMERGENCY TRANSPORT/AMNESTY POLICY

Worcester State University considers the safety and personal well-being of the student body a priority. Worcester State University 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 evaluated for a substance abuse wellness check that may or may not result in being transported to a local hospital will be required to contact a member of the Office of Health Promotion within twenty four (24) hours of receipt of letter from the Office of Health Promotion. Failure to schedule and attend the sessions may result in conduct action.

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

In the case of a second (2nd) transport; the student will attend two (2) educational meetings with the Office of Health Promotion followed by a minimum of three (3) sessions with a member of the Counseling Services staff.

In the unlikely case of subsequent transports, the student will meet with an administrative team to discuss the students' well-being, evaluate their residency status and/or visitation privileges within the residence halls, and potential conduct action.

STATEMENT ON MEDICAL/RECREATIONAL MARIJUANA

Massachusetts state law permits the use of medical and recreational marijuana. However, federal laws prohibit marijuana use, possession, and/or cultivation at educational institutions, therefore Worcester State University will provide no change to its current drug policies. Please understand that the use, possession or cultivation of marijuana for medical or recreational purposes is not allowed in any Worcester State university property; nor is allowed at any University-sponsored event or activity off campus.

In addition, no accommodations will be made for any student in possession of a medical marijuana registration card. Worcester State University will release students from the occupancy license (with documentation) who needs to use or possess marijuana for medical purposes. Anyone who possesses or uses marijuana at WSU may be subject to civil citation, state or federal prosecution, and university discipline.

DRUG POLICY

All policies and regulations regarding illegal consumption/use, possession, sale/ traffic and/or manufacture of narcotics, controlled substances, prescription drugs, counterfeit substances, drug paraphernalia and substances releasing toxic vapor on the Worcester State University 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.

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.

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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 University 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 University premises or off-campus where Worcester State University jurisdiction applies:

- Worcester State University 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 University'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 University housing or Worcester State University for any disciplinary infraction(s), including but not limited to drugs, no refund of any Worcester State University 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 University 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 University 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.

Alcohol

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.

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 alcohol education course (\$30 registration fee to be paid at time of course)		Complete an alcohol education course (\$30 registration fee to be paid at time of 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)	
Complete an online alcohol education course		Complete an online alcohol education course	
\$100 fine		\$100 fine	
Complete ten (5) hours of service		Complete ten (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)	
BASICS one on one educational course		BASICS one on one educational course	
\$150 Fine		\$150 Fine	
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.

Marijuana

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

RESIDENT STUDENT		COMMUTER STUDENT		1
General Probation for one semester (15 weeks)		General Probation for one semester (15 weeks)		
Complete an online drug education course		Complete an online drug education course		
\$100 fine		\$100 fine		
Complete five (5) hours of service		Complete five (5) hours of service		
Parental/Guardian notification for student under the age of 21		Parental/Guardian notification for student under the age of 21		
RESIDENT STUDENT		COMMUTER STUDENT		2
Disciplinary Probation for one semester (15 weeks)		Disciplinary Probation for one semester (15 weeks)		
One on one drug education course/meeting		One on one drug education course/meeting		
\$150 fine		\$150 fine		
Complete ten (10) hours of service		Complete ten (10) hours of service		
Residence Hall Review		Residence Hall No Trespass 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		
RESIDENT STUDENT		COMMUTER STUDENT		3
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		
\$200 fine		\$200 fine		
Residence Hall suspension for up to one academic year		Permanent Residence Hall No Trespass		
Parental/Guardian notification for student under the age of 21		Parental/Guardian notification for student under the age of 21		
RESIDENT STUDENT		COMMUTER STUDENT		4
Suspension from WSU for no less than one (1) semester		Suspension from WSU for no less than one (1) semester		
Parental/Guardian notification for student under the age of 21		Parental/Guardian notification for student under the age of 21		

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)	
Complete an online drug education course		Complete an online drug education course	
\$100 fine		\$100 fine	
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)	
BASICS one on one drug educational course		BASICS one on one drug educational course	
\$150 fine		\$150 fine	
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	
\$200 Fine		\$200 Fine	
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 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)	

SEXUAL VIOLENCE POLICY/TITLE IX

Title IX

Title IX of the Educational Amendments Act of 1972 is a federal law that prohibits sex discrimination in education.

It reads:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” Title IX of the Education Amendments of 1972, and its implementing at 34 C.F.R. Part 106 (Title IX).

Note:

Sex discrimination includes sexual harassment and sexual assault.

Sexual Violence Policy/Title IX Procedures

Worcester State University has equitable procedures in place to promptly, thoroughly, and fairly address concerns and complaints of harassment or discrimination while being mindful of the rights and unique needs of all parties and of due process.

Both parties have an opportunity to meet (separately) with a Title IX Investigator to present their perspectives, provide witnesses or information, to bring an advisor to the meeting, to ask questions and seek clarification.

Following the investigation of a complaint, a decision will be made about whether it is more likely than not that a violation of code or policy took place and sanctions, if appropriate, will be issued.

Sexual Violence Policy/Title IX Academic Accommodations

In certain instances Sexual Violence/Title IX issues may impact a student's academic performance and decisions regarding withdrawals, repeats, and the ability to continue in high-stakes programs need to be made. Academic Accommodations related to Sexual Violence/Title IX will be handled on a case by case basis by the Provost and Vice President for Academic Affairs or their designee.

Title IX Coordinator			
Kristen Nelson	508-929-8124	Sheehan Hall, 101	through 10/31/18
Jennifer Quinn	508-929-8243	Student Center, 338	as of 11/1/18
Criminal Complaints & Reports Title IX Liaison			
Officer Marjeta Skenderi	508-929-8911	Wasylean Hall 102D	
Office of Student Conduct			
Josh Katz	508-929-8648	Student Center, 339	
Counseling Resource			
Sarah Valois	508-929-8072	Student Center, 325D	

Options Outside of the University for Resolution of Violence/Title IX Issues:

Students may file a complaint under Title IX with the Office of Civil Rights, U.S. Department of Education.

Confidentiality:

Sexual Violence/Title IX complaints will be conducted confidentially to the extent possible, and when permitted by law.

Processing Complaints:

All complaints of violations of the Sexual Violence policy are administratively investigated pursuant to the Complaint Investigation and Resolution Procedures in the University’s Equal Opportunity Plan. Furthermore, when necessary, the University may investigate alleged incidents of sexual harassment and sexual violence of which it becomes aware, even if no formal complaint has been filed, or the individual(s) involved are unwilling to pursue a complaint or cooperate in an investigation.

Retaliation:

The University prohibits retaliation against any person for making a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, for assisting in making a complaint, for resisting or openly opposing such conduct, or for otherwise using or participating in the complaint investigation process under the Policy. Persons who file or participate in the investigation or resolution of, claims or complaints of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation with outside agencies, law enforcement or otherwise pursuant to any applicable state or federal law, are also protected from retaliation by this Policy.

Prohibited retaliation includes, but is not limited to: threats; intimidation; reprisals; continued harassment or misconduct; other forms of harassment; slander and libel; and adverse actions related to employment or education. Retaliation can be committed by individuals or groups, including friends, relatives or other associates of the person against whom a complaint is filed. Retaliation, even in the absence of proven sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence or stalking in an underlying complaint, constitutes a violation of this Policy that is just as serious as the main offense itself.

False Complaints:

Students who knowingly file a false complaint under the University’s Sexual Violence Policy, or who knowingly provide false information to or intentionally mislead University officials who are investigating or reviewing a complaint, is subject to disciplinary action, up to dismissal.

For the full, detailed Equal Opportunity/Sexual Violence Plan you can visit www.worcester.edu/Title-IX. It is located on the policies page tab of the above referenced website.

Investigation/Administrative Review (violations of the Sexual Violence Policy). This is an investigation conducted by a Title IX Investigator in which the University will review all written complaints, conduct interviews, review documents and other physical evidence, and produce an executive summary of the incident(s) that contains factual findings based on preponderance of evidence standard “more likely than not”.

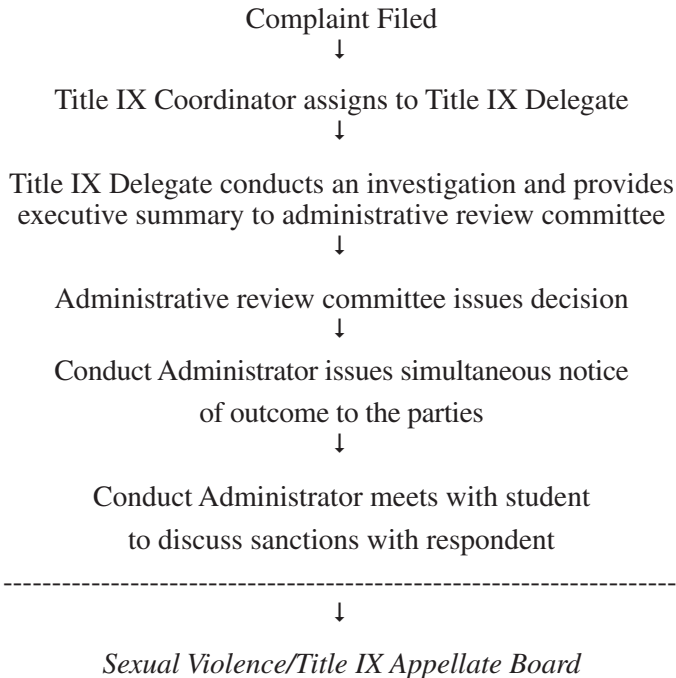
The executive summary will be reviewed by an administrative review committee who will issue the formal decision in the matter. The accused student will then meet with the Coordinator of Student Conduct to receive their results.

Sexual Violence Policy / Title IX Appeals

Appeals of the gender-based misconduct policy may be granted based on one or more of the following purposes:

- a. To determine whether the administrative investigation was conducted free from any material procedural error.
- b. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original investigation, because such information and/or facts were not known to the person appealing at the time of the investigation.

Sexual Violence/Title IX flow chart demonstrates due process of the investigatory system in place for these violations:



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 University 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 University 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:

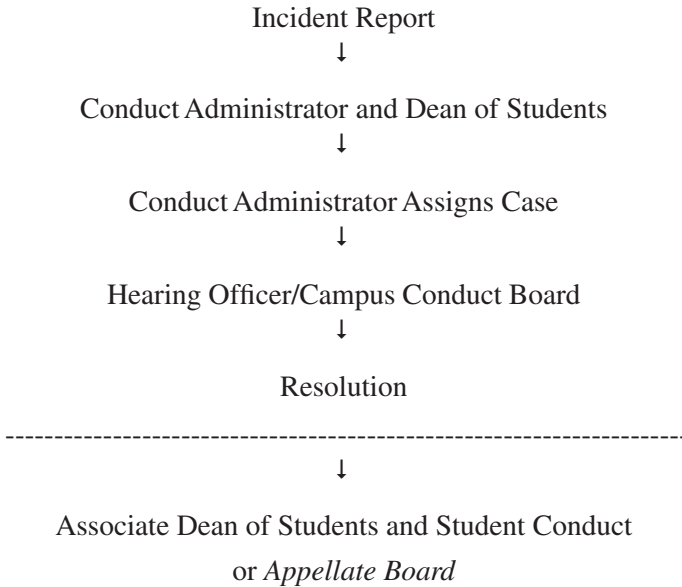
- *Creating or false reporting of bombs*
- *Hazing*
- *Inciting a riot*
- *Resisting arrest*
- *Intentionally tampering with fire safety equipment including causing a false alarm*
- *Driving under the influence of alcohol or drugs*

VIOLATION OF LAW AND WORCESTER STATE
UNIVERSITY DISCIPLINE

Worcester State University 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. CONDUCT POLICIES AND PROCEDURES

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



A. **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.
3. Decisions made by a conduct body 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. 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 University community may report any student for violation of the code of conduct. Reports shall be prepared in writing and 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 conduct body or a member thereof.
3. All charges shall be delivered to the accused student via email to his or her 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 Student Conduct Administrator reserves the right to change the time limit for a hearing.
4. The Conduct Administrator at their discretion may schedule a Conduct Conference, Administrative Hearing or a Campus Conduct Board Hearing in accordance with the following:
 - a. A Conduct Conference is a meeting conducted by a Hearing Officer appointed by the Dean of Students or their designee on an annual basis in consultation with the Conduct Administrator. In the conduct conference, the conduct officer shall review all available information with the student to determine whether or not a decision can be made regarding the student's responsibility. If a decision cannot be reached, then the matter will be referred for an Administrative hearing.
 - b. An Administrative Hearing is a hearing conducted by a Hearing Officer appointed by the Dean of Students or their designee on an annual basis in consultation with the Conduct Administrator.

c. The Campus Conduct 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 Student Conduct Administrator or their designee, who will vote only in the event of a tie. The pool of board members will be appointed by the Dean of Students or their designee on an annual basis in consultation with the Student 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 conduct conferences, administrative hearings and campus conduct hearings will be conducted by officials, including students who sit on the conduct board, who receive annual training on:
 - (i) Issues related to domestic violence, dating violence, sexual assault, and stalking, and
 - (ii) How to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

All procedural questions are subject to the final decision of the chairperson of the conduct body present at the hearing.

- c. Hearings normally shall be conducted in private, i.e. not open to the public.
- d. In hearings involving more than one accused student, the chairperson of the conduct body, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
- e. 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 conduct 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.

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- f. The complainant, the accused and the conduct body shall have the privilege of presenting witnesses, subject to the right of questioning by anyone present (except an advisor).
 - g. Admission of any person to the hearing shall be at the discretion of the conduct body and/or its chairperson.
 - h. Pertinent records, exhibits and written statements may be accepted for consideration by a conduct body at the discretion of the chairperson.
 - i. After the hearing, the conduct body shall determine (by majority vote if the conduct 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.
 - j. The conduct body's determination shall be made based on the preponderance of the evidence; meaning whether it is more likely than not that the accused student violated the student code.
 - 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. The complaint process and the accused student(s) 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 Student Conduct Administrator.
6. There may be a written and/or recorded summation or other type of record as determined by the conduct body and/or Conduct Administrator, of all hearings before a conduct body. The record shall be the property of Worcester State University.
 7. A student may not be found to have violated the Student Code solely because the student failed to appear before a conduct 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 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 Dean of Students or their 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.
 - 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.
10. When a student has also been criminally charged, the accused student has the right to refuse to incriminate themselves. All statements made in the hearings or any information submitted is subject to subpoena.

C. Sanctions

Worcester State University adheres to and upholds a philosophy of progressive discipline whenever appropriate. 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 a conduct body determines that a student has violated the Student Code, the sanction(s) shall be determined and imposed by the conduct body. Following the hearing, the conduct body shall advise the accused, 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

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- debit or credit cards.
 - ii. All cash payments must be received in paper currency format.
Coinage will not be accepted.
 - d. Restitution
 - e. Discretionary Sanctions, including but not limited to:
 - i. Service Hours
 - ii. Work assignments
 - iii. Educational Programs
 - iv. Written Assignments
 - v. Bulletin Boards
 - vi. Apology Letters
 - 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.

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 his/her 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 Code of Conduct, Student Handbook, Residence Life Occupancy Agreement and the Residence Hall Handbook.

iv. Residence Hall Review: a review of a student's status as a member of the residence hall community. Residence Hall Review notifies the resident that future violations of residence hall policies or university code of conduct may result in suspension or expulsion from the residence halls. A residence hall review may result in immediate suspension from the halls for a defined period of time.

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 Dean of Students or their 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.

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 Dean of Students or their designee may impose a Worcester State University, residence hall, or organizational suspension prior to the hearing before a conduct body. 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 or privileges for which the student

might otherwise be eligible, as the Dean of Students or their 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.

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 Dean of Students or their designee.

ii. Residence Hall Expulsion: permanent separation of the student from the residence halls including permanent loss of all guest/ visitation privileges.

i. No Contract Order

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

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 record.
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 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 accused and the victim 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 complete any sanction will may result in one, or more, of the following until the original sanction has been completed:
- a. Imposition of Disciplinary Probation
 - b. Imposition of a more severe sanction, if the student is already on Disciplinary Probation
 - c. A disciplinary hold being placed on a students account

D. Appeals

1. A decision reached by a conduct body may be appealed by the accused student(s) to the Appellate Board or Associate Dean of Students no later than 5:00 p.m. on the fifth (5) calendar day from the date of the decision letter. You must complete the appeal form found in the *Student Services* portion of your MyWSU student portal.
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 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 or Associate 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 Conduct 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.

6. In the case of extraordinary circumstances, the Dean of Students, or their 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 or the Associate Dean of Students 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 accused 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.

IV. INTERPRETATION AND REVISION

- A. Any question of interpretation regarding the Student Code shall be referred to the Conduct Administrator or their 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 publicized.
- C. The Student Code shall be reviewed at least every **three** years under the direction of the Conduct Administrator.
- D. AOD 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

Appellate Board: At least three persons authorized by the Dean of Students to consider an appeal of a conduct body's determination of findings/results and/or sanctions. The Dean of Students shall serve as chairperson of the Appellate Board.

Affirmative Consent: Consent is an understandable exchange of affirmative words or actions, which indicate a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. For example, a position of influence could include supervisory or disciplinary authority. Silence, previous sexual relationships or experiences, and/or a current relationship may not, in themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

Conduct

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

Conduct 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.

Deferred: When a sanction is postponed to be completed at a predetermined date in the future.

Domestic and

Dating Violence: Domestic and dating violence are acts of abusive or coercive behavior (physical, sexual, financial, verbal and/or emotional) used by a perpetrator to gain or exercise control over another, including any behaviors that intimidate,

GLOSSARY (CONTINUED)

manipulate, humiliate, isolate, frighten, threaten, blame, hurt, injure, or wound someone. Domestic and dating violence can occur in relationships between persons of any gender.

Domestic violence is such behavior directed against a current or former spouse, family member (blood, step, adoptive or foster), person with whom a child is shared, or cohabitant (possibly a roommate).

Dating violence is such behavior directed against another person in a social relationship of a romantic or intimate nature, and where the existence of such a relationship is determined based on a consideration of the length and type of relationship and frequency of interaction between the persons involved.

Gender-Based Harassment:

Unwelcome conduct of a nonsexual nature based on a person's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes, is prohibited when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
- submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
- such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment based on 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).

GLOSSARY *(continued)*

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.

Informed Consent: Must include explicit communication and mutual approval of the sexual activities in which the parties are involved. Each person involved in the sexual activity must willingly and knowingly engage in the activity. As a result, consent cannot be given due to physical force, intimidating behavior, threats, or coercion. Further, consent cannot be given by an individual who is incapacitated. For example, consent cannot be given by those incapacitated by alcohol or drugs, or by individuals who are unconscious.

Intimate

Partner Violence: (Also known as “Dating Violence” or “Intimate Partner Violence.”) Intimate partner relationships are defined as short or long-term relationships (current or former) between persons intended to provide some emotional, romantic, and/or physical intimacy. The existence of an intimate partner relationship will be determined based upon the reporting party’s statement with consideration of the length and type of relationship and frequency of interaction between the persons.

Intimate partner violence, which includes dating and domestic violence, refers to abusive or coercive behavior (physical, sexual, financial, verbal and/or emotional) used by a perpetrator to exercise control over an individual with whom they currently have or have had an intimate relationship. Behaviors can occur in opposite-sex and same-sex relationships, and include but are not limited to marital, cohabitating, and dating relationships.

GLOSSARY *(continued)*

- 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 Dean of Students and/or Conduct Administrator 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, Residence Life Handbook, Student Handbook, and Graduate/Undergraduate Catalog.
- Rape** Rape is the penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent. Rape is also the performance of oral sex or anal sex on another person without that person's consent.
- 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.

GLOSSARY (CONTINUED)

- Sexual Assault:** Sexual assault is any kind of sexual physical contact that involves any form of coercion, force or lack of consent. Sexual physical contact includes the intentional touching of another person on an area of the body generally recognized as a private part of the body, or touching any part of another person's body with a private part of one's own body or object, no matter how slight. Sexual intercourse means penetration, no matter how slight, of a bodily orifice (vagina, anus, or mouth) by an object or by a body part, and/or non-consensual oral sex or anal sex.
- Sexual Harassment:** Unwelcome conduct of a sexual nature is prohibited when:
- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
 - submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
 - such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating a sexually intimidating, hostile, or offensive employment, educational, or living environment.
- Sexual Violence:** As defined by the U.S. Department of Education's Office for Civil Rights, sexual violence "refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the [person's] age or use of drugs or alcohol, or because an intellectual or other disability prevents the [person] from having the capacity to give consent)." All forms of sexual violence are prohibited by the Universities and Title IX.
- Shall:** Is used in the imperative sense
- Stalking:** **Engaging in a course of harassing, threatening, or** unwanted behavior that would cause a reasonable person to suffer substantial emotional distress or fear for their safety or the safety of others. Stalking may occur in a range of formats including, but not limited to, in-person conduct, writings, texting, voicemail, email, social media, following someone with a global position system (GPS), and video/audio recording.

GLOSSARY (CONTINUED)

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.

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.