

Law Student  
Handbook

2020-21

# Introduction to the Student Handbook

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Welcome to Western New England University School of Law. As a Western New England University student, you are responsible for abiding by the policies and procedures of Western New England University and the School of Law.

In addition to the Law School Student Handbook, students of the School of Law are fully subject to the University Code of Conduct, Student Handbook, standards, processes, and remedies set forth therein. Policies and procedures not covered in the Law School Handbook are governed by the Western New England University Handbook. These policies apply with equal force to non-J.D. students unless otherwise noted. The Law Student Handbook and the Western New England University Handbook will be updated on the Western New England University website at [wne.edu/law](http://wne.edu/law). The Western New England University Handbook can also be found at [wne.edu/student-affairs](http://wne.edu/student-affairs). Handbook revisions will be posted on the website and all students are responsible for knowing and complying with these standards and regulations. For the most current information, including our Reopening Plan and policies related to COVID-19, students should consult the WNE COVID-19 Information webpage at: <https://www1.wne.edu/coronavirus/>.

The Law Student Handbook addresses Academic Standards and the Honor Code for students enrolled at the School of Law. The Law Student Handbook is the authoritative handbook for Academic Standards and the Honor Code.

Law students should refer to the 2020-2021 Law Student Handbook when addressing the following subject matters:

1. Academic Calendar
2. Academic Integrity
3. Class Attendance
4. Midyear and Final Examinations
5. Procedures for Handling Plagiarism Allegations

Questions regarding the Western New England University Handbook or the Law Student Handbook should be directed to the Associate Dean for Academic Affairs or the Associate Dean for Law Student Affairs.

WESTERN NEW ENGLAND UNIVERSITY | **WNE**  
SCHOOL of LAW

**MISSION STATEMENT**

Over a century ago, we were founded to educate law students from populations that were underrepresented in the legal profession. Today, we teach a diverse student body drawn from all walks of life in a rigorous program that blends theory, skills, and ethical values. We prepare students to serve the future needs of society with knowledge, competence, and compassion, ensuring that the practice of law can be both a profession and a vocation.

**LEARNING OBJECTIVES**

In accordance with ABA Standards, Western New England University School of Law shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession. The School of Law consistently seeks to improve its students' educational experience and engages in ongoing evaluation of the Law School's program of education, learning outcomes, and assessment methods to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum. The School of Law has established the following desired learning outcomes, which identify the knowledge, skills, and values it desires graduates to possess.

**Learning Outcome 1**

Graduates will demonstrate knowledge and understanding of substantive and procedural law.

**Learning Outcome 2**

Graduates will demonstrate competence in legal analysis, legal reasoning, and legal practice skills.

**Learning Outcome 3**

Graduates will demonstrate competence in problem-solving skills in the legal context.

**Learning Outcome 4**

Graduates will demonstrate competence in legal research and written and oral communication in the legal context/ regarding legal matters.

**Learning Outcome 5**

Graduates will demonstrate the exercise of proper professional and ethical responsibilities to clients and the legal system.

**Learning Outcome 6**

Graduates will demonstrate the knowledge, skills, and professionalism necessary for effective, ethical, and responsible participation as members of the legal profession in order to serve the public, the profession, and society/the community. These additional skills may include interviewing, counseling, negotiation, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

**Learning Outcome 7**

Graduates will be prepared to continue to develop professional skills and attributes.

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# Academic Standards

## INTRODUCTION:

The headings used in these Academic Standards are for convenience only and are not to be considered a part of these standards. The information in this publication does not create a binding contract between the student and Western New England University School of Law ("Law School"). Western New England University reserves the right to change any of the requirements and regulations at any time without prior notice. This includes, but is not limited to, the right to modify requirements for admission, retention, or graduation; to change the arrangement or content of the courses, the instructional materials used, the tuition and other fees; to alter any regulation affecting the student body; to refuse admission or readmission of any student at any time; or to dismiss any student at any time should it be in the interest of the Law School or the student to do so.

## PART I: DEFINITIONS; COURSE LOAD; AND STATUS

**Section 101. Academic Year:** An academic year consists of two consecutive semesters beginning with the fall semester, including fall and spring semester. The summer or winter session is not a semester.

### Section 102. Completed Credit Hour:

- A. "credit hour" is defined as an amount of work that reasonably approximates:
1. no less than 750 minutes of classroom or direct faculty instruction and 1,800 minutes of out-of-class student work, or a total time of 42.5 hours per credit.
  2. for other academic activities, including simulation courses, field placements, clinical courses, moot court, law review, and directed independent studies, at least an equivalent amount of work is required.

"Classroom or direct faculty instruction" shall include: all scheduled class periods; any make-up classes or review sessions that may be held in addition to scheduled class periods; and time spent by students taking scheduled midterm and final examinations. In a course with distance-learning components, time spent in both synchronous and asynchronous instruction may be counted.

"Out of class work" shall include: preparing for class (e.g., reading and briefing cases, completing other assigned work or assessments), work that assists in the comprehension of course content (e.g., writing outlines, working with other students in study groups, preparing for exams), researching and writing any required papers, and performing any other assigned and evaluated work such as clinic or externship work, preparation for moot court competitions, and law review work like writing, tech-citing, and fulfilling responsibilities of editorial positions.

These requirements apply to coursework that extends over any period of time, including semester-long courses and Summer/Winter session courses. They also apply to distance education and non-JD courses.

Students earn a "completed credit hour" when they receive a grade of "D" or higher.

**Section 103. Full-Time Student:** A full-time student is one who is enrolled in 12 or more academic credit hours of course work per semester.

**Section 104. Variation From Full-Time Course Load:** A full-time student may not enroll in fewer than 12 or more than 16 credit hours without special permission from the Dean or the Dean's delegate. Normally a request for an exception shall not be considered unless the reasons for the request are stated in writing, which will be included in the student's personal file.

**Section 105. Part-Time Student:** A part-time student is one who is enrolled in fewer than 12 academic credit hours of course work per semester.

# Academic Standards

**Section 106. Variation From Part-Time Course Load:** A part-time student may not enroll in fewer than 8 or more than 11 credit hours without special permission from the Dean or the Dean's delegate. Normally, a request for this permission shall not be considered unless the reasons for the request are stated in writing, which will be included in the student's personal file. This standard is not applicable to part-time students in a non-JD program.

**Section 107. Maximum Course Load:** In no event may a student enroll in coursework in any one semester that exceeds 20 percent of the total credit hours required for graduation.

**Section 108. Change of Status:** With permission from the Associate Dean for Academic Affairs, students may change from part-time status to full-time status, or vice versa. The number of months in which a student who has changed status can graduate will depend upon how long it takes the student to earn the required academic credits. Regardless of status, all students must comply with the Years Allowed for Completion of Degree Requirements. A student may not complete the J.D. degree in fewer than 24 months or more than 84 months after the student's first matriculation at any law school.

Because there are numerous possible combinations of full-time, part-time, winter and summer sessions, any student who is contemplating a change of status should consult with the Associate Dean for Academic Affairs as well as Student Administrative Services. A request for permission shall not be considered unless the reasons for the request are stated in writing, which will be included in the student's personal file.

## PART II: DEGREE REQUIREMENTS AND LIMITATIONS

**Section 201. Years Allowed for Completion of Degree Requirements:** A student may not complete the J.D. degree in less than 24 months or more than 84 months after the student's first matriculation at any law school. A non-JD degree student must complete the degree within 84 months after the student's first matriculation.

### Section 202. Academic Requirements for Graduation:

- A. A student must earn 88 academic credits, no fewer than 64 of which must be earned in courses that meet in regularly scheduled class sessions at a law school, and also satisfactorily complete all required courses and all other requirements, including upper level writing, pro bono, and experiential learning requirements, in order to graduate. In addition, a student must abide by all restrictions on enrollment as described in subsection B unless waived pursuant to subsection E.
- B. The Law School imposes a variety of limitations on enrollment in specific courses or combinations of courses. These are described below:
  1. A student must successfully complete 28 hours of law studies before enrollment in a clinic or externship.
  2. A student may not simultaneously enroll in more than (i) one clinic, (ii) one externship, or (iii) one clinic and one externship.
  3. A student may not take more than a total of three externships for academic credit.
  4. A student who has successfully completed 28 credit hours of law studies may take an independent study course with the approval of the Associate Dean for Academic Affairs. Independent study courses include Tutorial Study, Advanced Research, and any other course so designated.
  5. A student may not take more than a total of three independent study courses, simultaneously enroll in more than two independent study courses, or take more than one independent study course under the sole guidance of any one faculty member.
  6. A student must complete all required courses in sequence as described in the JD Plan of Study.

# Academic Standards

- C. In addition to the limitations described in the prior section, individual instructors, in consultation with the Associate Dean for Academic Affairs, may impose additional restrictions as a condition for enrollment.
- D. Upper-level students must pass two designated writing courses. Upper-level students are also required to earn 6 total credits from designated experiential learning courses. Pursuant to American Bar Association Standards, a student may not use a course to satisfy both the writing requirement and the experiential learning requirement.
- E. The requirements in subsection A may not be waived by the Dean or the Dean's delegate. However, the Dean or the Dean's delegate is authorized to grant variances from the limitations described in subsection B. All variances shall comply with American Bar Association standards.

**Section 203. Last Day of Enrollment:** No student may enroll in a course after the close of business on the tenth day of classes of a regular semester or, in the case of summer school, the close of business on the third day of classes for the summer school session.

**Section 204. Course Withdrawal:**

- A. **Required Courses:** Students are required to enroll in and may not drop required courses without approval from the Associate Dean for Academic Affairs.
- B. **Restricted Withdrawal Courses:** No student may withdraw from a restricted withdrawal course after the time designated by the instructor or subsequent to the second class of the semester, whichever period is shorter. To qualify as a restricted withdrawal course, the course instructor, with the approval of the Dean or the Dean's delegate, must designate the course as restricted withdrawal in the registration materials. A student who withdraws from a restricted withdrawal course beyond the period permitted in this section shall receive a "W" on the student's transcript.
- C. **Elective Courses:** A student in the full-time program may withdraw from a fall or spring semester elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for the semester, provided that the withdrawal does not reduce the student's academic load to less than 12 credit hours that semester. A student in the part-time program may withdraw from an elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for the semester, provided that the withdrawal does not reduce the student's academic load to less than 8 academic credit hours for that semester. A student in the summer program may withdraw from an elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for that summer session.
- D. **Procedure:** A student who wishes to withdraw from a course must complete and submit an official withdrawal form to the Registrar's Office.
- E. **Withdrawals and Refunds:** Students who withdraw from a course are subject to the University tuition refund policy in effect at the time.
- F. **Financial Obligations:** No student may withdraw and remain in good standing unless all financial obligations have been met.

# Academic Standards

## **PART III: OTHER ACADEMIC PROGRAMS AND TRANSFER OF CREDITS (THIS PART DOES NOT APPLY TO NON-JD STUDENTS)**

### **Section 301. Other Academic Programs Earned Outside of the Law School:**

If a student has completed at least 30 credits, the student may earn academic credit in a program outside the Law School as follows:

- A. Combined Degree Programs and Articulation Agreements: Students may earn credit from the University and other institutions pursuant to the terms of a combined degree program or an articulation agreement; or
- B. Non-JD courses at Western New England University: Students may earn no more than 6 credits by the successful completion of non-JD courses offered at Western New England University. To receive credit toward a law school degree, the student must:
  1. Take an upper-level undergraduate or graduate level course(s);
  2. Demonstrate that the graduate course(s) contribute to the student's education in law or particular professional interests;
  3. Obtain prior, written approval from the course instructor and the Associate Academic Dean for Academic Affairs of the Law School; and
  4. Enroll in and successfully complete the course(s) after matriculating in the JD program.
- C. Visiting at Other ABA-Approved Law Schools: Students may earn no more than 15 credit hours while attending another law school approved by the American Bar Association, subject to the prior approval of the Associate Dean for Academic Affairs. Permission shall not be granted to take a course or courses required for graduation at the Law School.
  1. Grounds for Approval of Request to Visit During Summer or Winter Session: The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting student privileges if the student's requested course load is no heavier than that permitted by the Law School in its summer or winter session and the courses offered by the law school to be visited are similar to those offered by the Law School.
  2. Grounds for Approval of Request to Visit During Academic Year: The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting student privileges if the student's requested course load is no heavier than that permitted by the Law School in a single semester and the courses offered by the law school to be visited are similar to those offered by the Law School. The student bears the burden of demonstrating by clear and convincing evidence that the student's request meets one of the following requirements:
    - a) The petitioner has demonstrated a special interest in taking a concentration of courses in a defined subject matter, the Law School will not be able to offer that concentration of courses during the petitioner's period of attendance at the Law School, and the petitioner's cumulative grade point average in the Law School is 2.33 or higher; or
    - b) The petitioner demonstrates that exceptional personal hardship will result if visiting status is not granted.

# Academic Standards

**Section 302. Transfer of Credits:** The Law School will accept the transfer of credit received at another law school during an approved visitation as follows:

- A. The Law School will transfer credit only for courses in which the grade received is equal to or higher than the grade point average required for graduation at the law school visited.
- B. All grades for which credit is transferred will be reported as Pass for purposes of computing academic averages of students at the Law School. The student's transcript will also include the course name and grade for all courses taken during the visit, including any reported course for which transfer credit is not received. Courses for which transfer credit is not received will be accompanied by the notation "No Credit."
- C. In addition to the limitations set out above, the Law School will not accept more than 32 transferred academic credits from an ABA approved law school or 29 transferred academic credits from a law school not approved by the ABA during the student's career at the Law School, including academic credits awarded to a transfer student.
- D. J.D. and M.S. students may petition for transfer of credits earned in Law School courses to other M.S. programs, provided that the grade received is equal to or higher than the grade point average for graduation at the Law School (2.3).

**Section 303. Advanced Standing:** In the case of admittance of a transfer student, the Associate Dean for Academic Affairs will determine the credit to be awarded toward the Law School's degree.

**Section 304. Unapproved Visitation:** The Law School does not accept the transfer of credit taken as a visiting student at another law school unless the program of studies was approved in accordance with these Standards.

## **PART IV: ATTENDANCE AND AUDITING**

### **Section 401. General Attendance:**

- A. Standard: Regular and punctual class attendance is mandatory, as required by the American Bar Association. This policy reflects the belief that dependability is an essential characteristic of a good lawyer. The policy objectives are to ensure academic success, of which attendance is a major component, and to develop standards of professionalism.
- B. Implementation:
  1. Faculty members will monitor attendance in their classes, choosing an adequate methodology. Any student who is tardy, or who leaves class early, may, in the discretion of the faculty member, be marked absent.
  2. Any student who fails to attend at least 80% of the regularly scheduled class meetings, without excuse acceptable to the faculty member, has not met this Standard. All students are responsible for knowing and complying with this Standard and its implementation.
  3. Any faculty member may adopt a more stringent attendance standard than that in subsection two (2) above by communicating it to the class in writing before the end of the first class meeting or in the course syllabus. A student who fails to comply with such policy has not met this Standard.

# Academic Standards

4. A faculty member must send a student a written warning when the student is at least one absence away from triggering the faculty member's request for administrative withdrawal.
5. Whenever a student fails to meet this Standard, a faculty member shall notify the Associate Dean for Academic Affairs and may request that the student be administratively withdrawn from the course.
6. Upon receiving a request from a faculty member that a student be administratively withdrawn from a course, the Associate Dean for Academic Affairs shall do so unless, after consultation with the faculty member, the Associate Dean for Academic Affairs determines that there is good cause not to withdraw the student.

## **Section 402. Auditing of Courses and Enrollment of Non-JD Candidates in Law School Classes:**

- A. **Statement of Policy:** Individuals may enroll in a limited number of courses as auditors, non-degree candidates, or candidates for a degree other than a law degree. However, such enrollment is permissible only when it does not interfere with the ability of the law school to operate in compliance with the ABA Standards and to carry out the Law School's program of legal education. A student must obtain permission to audit a course from both the instructor and the Associate Dean for Academic Affairs. A student who wishes to enroll in a J.D. course must satisfy the following general pre- or co-requisites: Introduction to Law, Lawyering Skills I, and one first-year doctrinal course.
- B. **Auditing:** An auditing student is expected to acquire the materials for the course and shall be held to the same attendance standards as all other students. If the student satisfies the conditions of permission to audit, including regular attendance, the course is entered on the student's academic record and the word "Audit" is entered where academic credit and grade would normally be entered.
- C. **Credits for Degree Candidates:** Degree candidates may audit a course, and the credits will not count toward the normal full time academic course load.
- D. **Auditing Fees for Non-Degree Students:** Non-JD degree students granted permission to audit a course must pay the regular tuition and fees that apply to the course.

# Academic Standards

## PART V. EXAMINATION AND GRADING

**Section 501. Purpose:** Where appropriate, instructors should utilize both formative and summative assessment methods to measure and improve student learning and to provide meaningful feedback to students. Grades are designed to measure competency in: (a) knowledge and understanding of substantive and procedural law; (b) legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; (c) the exercise of professional and ethical responsibilities to clients and the legal system; and (d) other professional skills needed for competent and ethical participation as a member of the legal profession.

### Section 502. The Grading System:

- A. Assessment: The School of Law records letter grades in courses, except where the nature of the course makes a letter grade impractical. The School of Law grade structure for all course work is as follows:

A 4.00	B 3.00	C 2.00	D 1.00	P	Pass
A- 3.70	B- 2.70	C- 1.70	F 0.00	W	Withdraw
B+ 3.30	C+ 2.30	D+ 1.30		AU	Audit only

The cumulative grade point average of any student is determined by multiplying each grade given for every graded course, including courses in which the student received a grade of F, by the total number of semester hours assigned to that course, and then dividing the product by the number of graded credits attempted. Grade point averages are calculated to the second or hundredth decimal place and are not rounded upward or downward. Academic credit is granted for a final grade of D or higher. If a student receives a failing final grade in a course, the grade is included in calculation of grade point average, but the failed course is not included in calculating the total credits completed for graduation.

- B. Grade Normalization: The law faculty has adopted a grade normalization policy for all graded courses. Under this policy, a faculty member who is teaching a required course or a large section course (25 students or more) must distribute grades so that the median grade for the class is a B, with the distribution as follows:

- A- and above 0-25%
- B- and above 40-85%
- C- and above 75-100%
- D+ and below 0-25%

A faculty member who is teaching a graded course other than a required course, a large section course, or a small section course (eight or fewer students) must distribute grades so that the mean or average for the class falls within the range of 2.90 to 3.67. Faculty members whose grades fall outside those limits are required to request a variance from the Associate Dean for Academic Affairs before grades are distributed. The Dean or Dean's delegate shall review all course grades submitted. After review, course grades shall be posted by the Registrar by course and examination number.

In courses with multiple forms of assessment, grades based on skills, simulations, and qualified writing credits are exempt from the mandatory mean. Components of the final course grade that are based on exams must conform to the mandatory mean. Once grades exempt from the mandatory mean are factored in, the final course grades awarded need not conform to the otherwise-applicable mean.

# Academic Standards

- C. Non-J.D. Students: The Grading System does not apply to non-J.D. students. Non-JD students are not graded anonymously and may be graded using a different method of assessment. There is no required grade distribution, mean, or median for non-J.D. students. Other than Pass/Fail courses, M.S. students will be evaluated with the following grades:

- A: exceptional compliance with course requirements
- B: satisfactory compliance with course requirements
- C: minimal compliance with course requirements
- F: does not meet course requirements

**Section 503. Pass-Fail Courses:** In designated courses, a grade of P (Pass) is assigned if the student satisfactorily completes the course. A grade of P in a pass-fail course does not have a grade point value, but is intended to reflect work equivalent to the letter grades of A through C+. A grade of F in a pass-fail course is intended to reflect work equivalent to the letter grades of C through F. A grade of F (Fail) in a pass-fail course is treated as if it were a letter grade of F when calculating the student's grade point average.

**Section 504. Unsatisfactory Grades:** Grades of C, C-, D+, and D are considered Unsatisfactory. A grade of F is considered Failure and no credit is awarded. A student with a grade point average of less than 2.30 at the end of the spring semester of any academic year is subject to dismissal. (The policy in effect for students who entered the Law School Prior to Fall 2014 required a grade point average of 2.0).

**Section 505. Required Courses in Which a Failing Grade is Received:** Any required course in which a failing grade has been received must be repeated in the next academic period in which the course is offered unless the Associate Dean for Academic Affairs approves an alternative schedule. If a student receives a failing final grade in a course which is a prerequisite to an advanced course, the prerequisite course must be satisfied before the advance course may be taken. If a student is required to repeat a course because of a failing final grade, the original grade is included in the calculation of "completed" work for the purpose of grade average calculation, even though the failed course is not used in calculating the total credits required for graduation.

**Section 506. Grades of Incomplete:** A student who is given a grade of Incomplete in a course shall have an extension of time satisfactory to the instructor to complete the necessary coursework. However, the extension date shall not be later than the last day of the following semester's regularly scheduled examinations. The instructor shall submit the student's final grade by the grading deadline of that semester. The Registrar, in consultation with the Associate Dean for Academic Affairs, will convert the Incomplete to an "F" if the grade is not submitted by the grading deadline. Exceptions to this rule may be made only in cases of extreme hardship and with the approval of the Associate Dean for Academic Affairs.

**Section 507. The Examination Process:**

- A. Materials Permitted at the Examination: Each instructor shall state which materials are permitted in the examination in the instructor's course. It is the policy of the Law School that an item or material is not to be authorized unless its content is necessary to a proper analysis and solution of one or more problems on the examination, such as a statute on which the problem is based.
- B. Form of the Examination: The examination should be by either written examination or term paper. The examination should not be an oral examination, nor should it be a progress report graded by fellow students. The intent is to have a meaningful faculty assessment of the student's work product
- C. The anonymous grading system shall apply to all examinations.

# Academic Standards

- D. Rules for Examinations:** The Dean or the Dean's delegate shall be responsible for establishing rules to govern the examination process. Those rules shall include, but not be limited to, the following:
1. Students may use laptops with the required exam software. However, no other electronic devices of any kind are allowed into the examination room.
  2. No food or drink is allowed in the examination room except for the following: water in a clear bottle with no labels and quiet, unwrapped snacks in a clear plastic bag.
  3. Number two pencils, not mechanical pencils, must be used for all multiple choice questions.
  4. No more than one student at a time may leave the room. Students must sign out at the proctor's desk and cross off their names upon returning. Students are not allowed to take any examination material from the room at any time and are not permitted to consult, obtain, or access any material while outside the exam room.
  5. No conversation is allowed during the examination. If a student has a question, the student shall write the question on scrap paper and give the question to the proctor.
  6. When the proctor announces the start to the exam, students must launch exam software. When the proctor announces the end of the exam, all students shall stop immediately.
  7. When finished, students shall turn in their examination questions together with any scrap paper. All students must cross their names off the roster and quietly leave the room.
  8. Late arrivals are not allotted extra time. Proctors shall ask a student who arrives late if they are willing to take the exam in the reduced time. Students unwilling to accept the reduced time shall report to the Registrar's Office.
  9. Any breach of anonymous grading, whether by including personal identifying information or such notations as "graduating senior" on an examination, shall be reported to the Honor Code Committee.
  10. It is a violation of the Honor Code to fail to follow instructions concerning the administration of an examination.
- E. Take-Home Examination: Requirements:**
1. An instructor may give a take-home examination under such conditions as the instructor deems appropriate in consultation with the Associate Dean for Academic Affairs.
  2. The anonymous grading system shall apply to take home examinations.
  3. If an instructor decides to use a take-home examination, notice shall be given to the students and the Associate Dean for Academic Affairs. That notice should be given before the end of the add/drop period.

# Academic Standards

**Section 508. Illness Before Examination:** If a student becomes ill before commencing an examination, the student must attempt to notify the Dean or the Associate Dean for Academic Affairs prior to the commencement of the examination to obtain permission to reschedule the examination. When the Dean and Associate Dean for Academic Affairs are unavailable, the ill student shall have the right to decide not to take the examination but must notify the Dean or the Associate Dean for Academic Affairs of the illness as soon as possible following the examination. If a student leaves an examination for illness or for any other reason, the examination will be graded.

**Section 509. Examinations in First-Year Courses:** In all first-year courses that are graded with a final exam, professors will provide additional assessment or assessments during the semester that comprise(s) at least 20%, but not more than 60%, of the final course grade. For purposes of this section, a "first year course" means Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property or Torts, whether offered in the day or evening. The assessment(s) must include formative feedback.

**Section 510. Departure from Examination Schedules:** No instructor has the authority to grant to a student a departure from the examination schedule. Any student who desires a departure from the examination schedule shall make the request to the Associate Dean for Academic Affairs at the time or times designated:

- A. A student shall be granted a departure from the examination schedule for a conflict. In that event, the make-up examinations must be taken in the next regularly scheduled examination period that does not constitute a conflict. An official conflict form must be submitted prior to the examination period. A conflict in the examination schedule is defined as:
  1. two examinations simultaneously;
  2. two examinations in successive examination periods (including night morning but excluding Saturday Monday);
  3. two examinations on the same day;
  4. three examinations on three successive calendar days for part time students employed full time who certify that they cannot obtain time off during the examination period;
  5. four examinations on four consecutive calendar days, unless the student has a reading period of four consecutive calendar days (or five non-consecutive calendar days) between his or her last day of classes and the first of his or her four consecutive exams;

or

6. four examinations on four consecutive calendar days in any semester in which the exam schedule was not published by the end of the fifth day of classes.
- B. In the event of an emergency, the Associate Dean for Academic Affairs may grant a departure from the examination schedule.
- C. It is a violation of the Law School Honor Code to acquire information concerning an examination or assignment without the instructor's authorization; and/or to discuss any aspect of an examination or assignment that one has taken or is currently taking with any person who is currently or will later be taking the same examination or assignment, without the instructor's authorization. See Honor Code Part IV.§401.

# Academic Standards

**Section 511. Reporting Grades:** Unless otherwise announced by the Dean, the following procedure applies:

- A. For the fall semester, instructors shall report all final examination grades to the Registrar not later than the day before the Registrar's Office opens after the Winter Recess. For all semesters other than fall semester, Instructors shall report all course grades to the Registrar not later than 14 days after the date of the last final examination.
- B. The Registrar shall record the course grades as part of each student's academic record when the course grades are released.

**Section 512. Faculty Requests For Change of Course Grade:** There is a strong presumption of finality to all final course grades. Changes may be made to a final exam grade only at the request of a faculty member. The Dean or the Dean's delegate may approve only such changes that are required to correct a mathematical error. The Dean shall submit all other requests by the faculty member to the Academic Standards Committee where there shall be a presumption against approving that recommendation. The faculty member shall bear the burden of overcoming that presumption

**Section 513. Preference for Anonymous Grading:**

- A. The Law School uses an anonymous grading system for the determination of a student's grade on examinations and for the course, unless it is impractical to employ anonymous grades. It is impractical to use anonymous grades in, inter alia, experiential learning courses, moot court, independent studies or tutorials, writing courses, or courses where grades are based on individual or group projects. In all other instances, the faculty shall adhere to anonymous grading.
- B. Individual Projects or Interim Examinations: Individual or group projects or interim examinations may be used by instructors to be evaluated toward the course grade.
- C. File of Final Examinations: The Law School shall keep an official file of all final examinations administered to students. Each instructor shall give the Registrar's Office at least two copies of each examination that counts toward the final grade.
- D. Preservation of Final Examinations: Each instructor shall deliver to the Registrar's Office all final examination books to be kept on file for at least one year after the examination has been graded.

**Section 514. Integration of Non-Anonymous with Anonymous Grades:**

- A. Integration of Projects with Anonymous Examination Grades: If an instructor uses projects or similar non-anonymous methods of assessment as part of the course grade, the instructor shall submit a list of students by name, showing their project or program grades at the same time as submission of anonymous examination grades by examination number. The instructor shall also state the percent of course grade attributable to the project or program. The Registrar shall integrate the grades according to the instructor's formula after which the instructor shall designate the final grade.
- B. Grade Increase for Superior Classroom Participation: The faculty believes that student performance in the classroom is an essential part of the educational process. An instructor may recognize superior classroom performance by individual students by adding a one-third (1/3) letter grade increase to the student's course grade for grades other than A or F. The following procedures apply:
  - 1. No instructor may award an increase for classroom participation unless the instructor has announced the intention to do so in a regular meeting of the class within the first three weeks of class or in the course syllabus.

# Academic Standards

2. To make an addition to the grades of individual students, the instructor shall submit a list of the names of those students whose course grades are to be benefited by the practice at the same time that the instructor submits the list of final examination grades by student examination number.
3. The Registrar's Office shall integrate the classroom participation letter grade increase with examination grades and project scores, if any.

**Section 515. Honors:** The Law School awards honors to J.D. students for superior scholastic achievement. The faculty committee with jurisdiction over academic standards will administer the designation of honors according to the criteria set forth below, except that the committee retains discretion to adjust the criteria in rare cases where such adjustment might be necessary to prevent manifest unfairness.

- A. *Summa Cum Laude:* Any student who would otherwise receive magna cum laude honors upon graduation may be graduated summa cum laude, if, in the opinion of the committee with jurisdiction over academic standards, the student has achieved unusually outstanding academic excellence as indicated by the student's cumulative grade point average.
- B. *Magna Cum Laude:* Any student, other than a summa cum laude graduate, whose cumulative grade point average is 3.75 and above, will receive magna cum laude honors upon graduation.
- C. *Cum Laude:* Any student, other than summa cum laude and magna cum laude graduates, whose cumulative grade point average is 3.5 and above will receive cum laude honors upon graduation.
- D. *Dean's List:* Dean's List will be awarded at the end of every semester after the first year to any student with a semester grade point average of 3.5 and above.
- E. *Rank:* The Law School will rank students at the end of every semester after the first year. For this purpose, students will be ranked by graduating class. Those in the top quartile/twenty-five percent of each group will receive an ordinal ranking. Students in the second, third, and fourth quartile of their respective groups will be ranked by that designation.

## **PART VI. ACADEMIC WARNING; DISMISSAL; AND REINSTATEMENT**

**Section 601. Academic Warning:** The "academic warning" status is informational to assist students in achieving academic success and is an internal designation only that is not noted on students' transcripts.

- A. Reporting of Grades: Each semester, the faculty reports grades to the Registrar's Office, and the Registrar's Office calculates a cumulative grade point average for each student.
- B. Academic Warning, Imposition: At the end of every first-year semester for full-time students and every first- and second-year semester for part-time students, a student will be placed on academic warning if either of the following conditions exist:

# Academic Standards

1. the student's cumulative final grade point average for all of the following courses taken as of that date is at or below 2.67: Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property, Torts, and Lawyering Skills; or
2. the student has one or more final grades below a "C+" in Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property, or Torts.

**Section 602. Requirements of Students on Academic Warning:** Each student on academic warning is required to meet regularly with the Director of Academic Success Programs or the Dean's delegate to strategize for success. Based on those meetings, the Director of Academic Success Programs or the Dean's delegate may require any or all of the following measures:

1. enrolling in and completion of the academic success program;
2. having course selections for all subsequent semesters approved by the Director of Academic Success, the Associate Dean for Academic Affairs or Dean's delegate to ensure that the chosen curriculum provides an academically rigorous education and improves the likelihood of academic and bar success; and
3. obtaining prior approval from the Director of Academic Success, the Associate Dean for Academic Affairs or the Dean's delegate before serving as an officer in any student organization.

**Section 603. Penalty for noncompliance:** Failure to comply with the conditions identified in Section 602, above, as determined by the Director of Academic Success Programs, at any time, will lead to academic dismissal for poor scholarship. The Director of Academic Success Programs will report non-compliance to the Associate Dean for Academic Affairs, who, in consultation with the Dean and the Dean of Students, will determine whether dismissal is appropriate. Upon such determination, the Associate Dean for Academic Affairs will direct the Registrar to withdraw the student from the Law School due to poor scholarship. The student may petition the Academic Standards Committee for Reinstatement as noted below.

**Section 604. Petitioning for the Removal of Academic Warning Status:** Academic warning status will remain in effect throughout a student's enrollment at the Law School. A student on academic warning may petition the Director of Academic Success for the removal of that status, by submitting a letter stating the basis for the removal request, but may do so no earlier than one semester after the status has been imposed. The Director may consider any relevant information in evaluating the petition. If the Director concludes that, in an exceptional circumstance, the academic warning status is no longer necessary for the student, the Director shall make that recommendation to the Associate Dean for Academic Affairs, who, in consultation with the Dean and the Dean of Students, may decide to remove the student from academic warning. This decision is non-reviewable.

**Section 605. Dismissal for Poor Scholarship:** A student will be dismissed for poor scholarship if the student's cumulative grade point average at the end of the spring semester of any academic year is less than 2.30. A student is not eligible to graduate if the student's cumulative average on all work completed is less than 2.30.

# Academic Standards

## **Section 606. Procedure Relating to Petition for Reinstatement After Academic Failure:**

- A. Notice of Failure: At the close of each spring semester, the Law School Registrar shall send a list of students to be dismissed due to grade point averages to the Associate Dean for Academic Affairs, who shall then send a written notice of dismissal to each such student. The notice shall be accompanied by a statement of the Academic Standards relating to dismissal, reinstatement, and the procedure for filing a petition for reinstatement.
- B. Petition Procedure: The procedure for filing a petition for reinstatement is as follows:
  - 1. Time for Petition: A petitioning student must file a petition for reinstatement within 15 days after the date of mailing of the notice of dismissal. The student shall file the petition with the Associate Dean for Academic Affairs.
  - 2. Form and Style of Petition: A petition for reinstatement shall be typed and titled "Petition for an Exception to the Rules for Academic Dismissal."
- C. Reference to Academic Standards Committee: The Associate Dean for Academic Affairs shall refer any petition for reinstatement to the Academic Standards Committee for review.

## **Section 607. Guidelines for Review by the Academic Standards Committee:**

- A. General: The Academic Standards Committee sitting without student members, unless the petitioning student elects otherwise, shall review any petition for reinstatement filed under Section 606. In reaching its determination, it shall be guided by the considerations stated in subsections (B) and (C) below.
- B. Specifications of Reason for Academic Failure: The petitioning student must allege and prove that the student possesses the requisite ability and that the prior disqualification does not indicate a lack of capacity to complete studies at the Law School. The petitioning student must also state any extraordinary circumstances beyond the student's control, which rebut the presumption raised by the student's record, and which establish that the deficiency was not due to lack of capacity to complete the program of legal education and be admitted to the bar. If the circumstances are related to physical or psychological incapacity in the course of a semester, or before or during an examination, convincing medical proof must accompany the petition.
- C. Scope of Relief: The Academic Standards Committee is authorized to
  - 1. deny the petition; or
  - 2. grant the petition, upon terms and conditions stated by the Committee.

For every admission or readmission of a previously academically dismissed student, a statement of the considerations that led to the decision shall be placed in the student's file.

# Academic Standards

- D. Guidelines for Readmitted Student: In all cases of readmission the Academic Standards Committee shall determine, on an individual basis, the terms and conditions for readmission, including, but not limited to, the disposition of grades earned prior to readmission. For readmitted students, the grades received by the student in the year(s) prior to readmission being repeated shall not be computed in determining class rank or grade point average, but such grades shall be retained upon the student's transcript. In the case of such student, the following notation shall appear on the transcript: "By faculty action this student was readmitted to the first year for good cause after being dismissed for academic deficiencies. For purposes of computing the student's academic average and class rank on this transcript, only the grades received after readmission are included."
- E. Faculty Review of Decisions by Academic Standards Committee: The Academic Standards Committee shall notify the petitioning student in writing of its decision and of the availability of full faculty review of an adverse decision. The faculty, sitting without student members, unless the petitioning student elects otherwise, shall review the Committee's decision at the request of three full time faculty members. The petitioning student may appear at the faculty meeting only if the faculty so requests. The faculty shall affirm the decision of the Academic Standards Committee unless, upon review of the available information, the faculty is convinced that the decision is clearly erroneous.

## **Section 608. Effect of Academic Dismissal:**

- A. Attendance and Refund: If a student's cumulative grade point average falls below 2.30 at the end of any semester and/or if a student receives notice of dismissal for poor scholarship while the student is in attendance at the Law School during the next succeeding academic session, the student is eligible to take any final examination or submit any papers or projects for grades for that academic session. However, the student may instead elect to withdraw, in which event the Law School will recommend to the Vice President for Finance of Western New England University that an appropriate refund of tuition be made to any student who is dismissed for poor scholarship during the next succeeding academic session.
- B. Eligibility to Petition for Reconsideration: Any former student dismissed for poor scholarship who is not readmitted immediately following dismissal may petition the Associate Dean for Academic Affairs subject to the following limitations:
  - 1. the petition must be filed not later than 90 days prior to the date upon which the former student wishes to return as a student;
  - 2. the petition must request reentry at a date when at least two years have elapsed after dismissal;
  - 3. the petition must allege and substantiate that the nature of the former student's work, activity, or studies during the interim indicate a stronger potential to complete the program of legal education and be admitted to the bar;
  - 4. this provision applies both to students who filed a petition for readmission at the time of dismissal, and also to those students dismissed for poor scholarship who did not file such petition immediately after dismissal; and
  - 5. the petition shall be reviewed and acted upon by the Academic Standards and Committee.

# Academic Standards

## **PART VII. ASSOCIATE DEAN FOR ACADEMIC AFFAIRS**

**Section 701. The Associate Dean for Academic Affairs** is appointed by the Dean for an indefinite term. The Associate Dean for Academic Affairs responsibilities include, without limitation, the following duties:

- A. to develop and manage the curriculum;
- B. to administer academic standards as applied to individual students, including requests for exception to the Academic Standards; and
- C. to develop and manage an effective system of academic and career counseling.
- D. The Associate Dean for Academic Affairs or the Dean's delegate is authorized to grant variances from the Academic Standards in cases of extreme hardship or exceptional merit. All variances shall comply with American Bar Association Standards.

### **Section 702. Relationship between Associate Dean for Academic Affairs and the Academic Standards Committee:**

- A. Petitions for Exceptions to Rules: All petitions filed for exceptions to the Academic Standards must be filed with the Associate Dean for Academic Affairs.
- B. Reference to Academic Standards Committee:
  - 1. The Associate Dean for Academic Affairs shall refer to the Academic Standards Committee any petition for:
    - a) readmission; or
    - b) reinstatement after suspension or dismissal from class for poor attendance;
  - 2. The Associate Dean for Academic Affairs shall refer any other petition for exception to the Academic Standards to the Academic Standards Committee.
- C. Any student who is dissatisfied with the application of these Academic Standards may pursue the matter with the Associate Dean for Academic Affairs. Thereafter, if the student is still dissatisfied, the student may pursue the matter further by petition to the Academic Standards Committee.

# Academic Standards

## **PART VIII. OTHER POLICIES APPLICABLE TO LAW STUDENTS**

**Section 801.** All law students are bound by (1) law school policies; (2) Western New England University policies; and (3) the Honor Code.

### **Section 802. Law School Regulations and Procedures:**

- A. Classroom Use: The law school's facilities are under the exclusive control and reserved for the exclusive use of the Law School. If the facilities are not being used for Law School purposes, then alternative use of the classrooms may be permitted.
- B. Use of Recording Devices in Class: No person shall use a recording device in any instructional situation in the Law School without the prior consent of the instructor. Exceptions to this regulation may be granted by the Associate Dean for Law Student Affairs to provide reasonable access and accommodations to persons with disabilities, consistent with applicable law.
- C. Registrar's Files and Information:
  - 1. Student Information: Each student is requested to complete a form at registration that provides the Law School with the student's local address, telephone number, emergency contact, and information concerning the student's employment while the student is enrolled. Maintenance of the accuracy of the form is the responsibility of each student.
  - 2. Access to File: Under the Family Education Rights and Privacy Act of 1974 (FERPA), a student may inspect and review any and all official records, files, and data directly related to the student in the student's status as a student. The student will also have an opportunity for a hearing to challenge the content of the records to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.
  - 3. The opportunity to inspect and review records under the Act may be performed only in the presence of and under the supervision of a member of the staff of the Law School.
  - 4. A student who desires to exercise the opportunity to inspect and review must file a written request to do so.
  - 5. Subsequent to the receipt of the request, but within the 45-day period specified in the Act, the Law School will designate a time and place for the inspection and review of the records and the member of the staff who will be present.
  - 6. The Law School will give notice of this information to the student on the basis of the address or telephone information provided on the request form.
  - 7. If, after the inspection and review, the student desires an opportunity for a hearing to challenge the contents of the records, the student must file a request for a hearing on a form that has been created for this purpose.
  - 8. Confidentiality of Registrar's Files and Information: The Privacy Act assures students the right to inspect and review all Law School records, files and data directly related to them with the exception of medical and psychiatric records, confidential recommendations submitted before January 1, 1974, records to which they have waived the right to access, and financial records of their parents or guardians.

# Academic Standards

9. The Privacy Act also prohibits the distribution of grades to parents or guardians without a student's prior written consent, or a statement of dependency from a parent or guardian when the student is a dependent as defined under the Internal Revenue Code.
  10. However, the Law School may make public at its discretion, without prior approval, the following information: class year, home address, telephone number, University address and telephone number, major field, date and place of birth, dates of attendance at the Law School, degree honors, awards received, and previous educational institutions most recently attended. A student may limit the release of the discretionary information by filing a special form with the Provost/Vice President for Academic Affairs of the University each year.
- D. Faculty Evaluations: Students shall be afforded the opportunity to evaluate each instructor in each course.
- E. Description of Faculty Committees: The Dean shall provide to the Student Bar Association a description of the charge and jurisdiction of each faculty committee for which students are eligible for membership. A student may file with the Student Bar Association a request for appointment to one or more faculty committees, stating the student's preference. The Student Bar Association shall announce a deadline for the receipt of student requests for faculty committee appointments. The Student Bar Association shall then certify the names of students to serve on each faculty committee to the Dean. The Dean shall then announce the names of the faculty and the student members on each faculty committee.
- F. Qualifications for Admission to the Bar: In addition to a bar examination, there are character, fitness, and other qualifications for admission to the bar in every U.S. jurisdiction. The Law School encourages all applicants to determine the requirements for any jurisdiction in which they intend to seek admission by contacting the jurisdiction. Addresses for all relevant agencies are available through the National Conference of Bar Examiners.

## **PART IX. PROCEDURAL RULES FOR THE ACADEMIC STANDARDS COMMITTEE**

### **Section 901. Petitions to the Committee:**

- A. Meetings with the Committee:
1. Initial Readmission Petitions: An individual who petitions the Committee for readmission to the Law School shall have the right to a meeting with the Committee with respect to the initial petition. Only the student and the Committee may be present at such a meeting.
  2. Other Petitions: The Committee may grant, in the Committee's discretion, personal meetings for all other petitions.
- B. Student Members: The petitioner may elect to include or exclude student members of the Committee from consideration and/or decision of the petition. Such an election is to be made in writing. If no election is made, student members will not participate in consideration or decision of the petition.
- C. Record of Meetings: All personal meetings before the Committee shall be recorded and the record retained by the Law School.
- D. Additional Information to the Committee: The Committee may request such additional information it deems necessary or helpful in order to act on a petition. The petitioners shall present all relevant material and information in their written petitions.

# Academic Standards

## **Section 902. Petitions for Reconsideration:**

- A. **New or Additional Information:** The Committee shall review a petition for reconsideration of a prior petition only to determine if the reconsideration petition contains new or additional information which was not available or which could not reasonably have been available at the time of the original petition. If the Committee determines that the reconsideration petition contains such new information, then the Committee will reconsider its prior determination in light of this new or additional information. If the Committee determines that such reconsideration petition does not contain such new or additional information, the reconsideration will be denied.
- B. **Action By Committee:** The Committee may, in the Committee's discretion, meet with the petitioner during the reconsideration process; however, the petitioner shall not be entitled to such a meeting as a matter of right.

## **Section 903. Miscellaneous Rules:**

- A. **Communications with the Committee:** Students or persons acting on the behalf of any student should communicate only with the Chair of the Committee with respect to any petition.
- B. **Notice of Decision:** All notices of decision shall be issued by the Chair of the Committee. The decisions of the Committee shall be communicated in writing to the petitioner. The notice of the decision shall be sent to the mailing address of the petitioner as listed on the petition. The petitioner may request that the written notice be held for him/her in the Registrar's Office of the Law School or that it be sent by another means.

# Appendix

## PETITION FORM

### **Election To Include Or Exclude The Student Members Of The Academic Standards Committee From Considering An Individual Petition**

**Check One:**

- 1. I request that the student members of the Academic Standards Committee participate in the deliberation of my petition and vote on its merits.
- 2. I request that the student members of the Academic Standards Committee participate in the deliberation of my petition, but not vote on its merits.
- 3. I request that the student members of the Academic Standards Committee NOT participate in the deliberation of my petition.

### **Request For Personal Appearance Before The Academic Standards Committee By The Petitioner For An Exception From The Academic Rules**

**Check One:**

- 1. I request to appear before the Academic Standards Committee and present an oral statement in support of my petition.
- 2. I do NOT request to appear before the Academic Standards Committee and present an oral statement in support of my petition.

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Signature: \_\_\_\_\_

Email: \_\_\_\_\_

Date: \_\_\_\_\_

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# Honor Code

## **PART I. INTRODUCTION AND PURPOSE**

Western New England University School of Law (School of Law) is dedicated to training members of the legal profession to serve the public, the bar, and the judicial system in the highest and finest traditions of a distinguished calling. To this end, the School of Law's primary mission is to educate lawyers whose professional lives are characterized by the lifelong pursuit of excellence in the craft of legal practice; by the reflective and ethical solution of legal problems; and by the continuation of, and the exercise of responsible stewardship over, a cherished tradition of public service in pursuit of the common good. The School of Law implements this mission through a distinguished faculty, a curriculum of integrated learning and a community of learning and professional service.

The Honor Code of Western New England University School of Law calls for a commitment by students to adhere to the highest degree of professional integrity. The Honor Code furthers the goal of the School of Law to serve the public and the profession by producing attorneys dedicated to promoting justice, excellence, and respect for the law. The Honor Code is based on the fundamental principles of trust and respect. Each student who joins the School of Law community affirms, by the student's acceptance of a position in the community, this commitment to integrity, trust and respect.

Attendance at the Western New England University School of Law is every student's first step toward becoming a member of the legal profession. Essential to the well-being of the legal profession is the presence of a sense of honor, ethical integrity, and mutual respect among its members. The Honor Code is an integral part of proper and complete professional training.

The privilege of admission comes with a unique set of responsibilities not only to fellow students, but to the School of Law, to the legal profession, and to the public. The legal profession demands the highest degree of trustworthiness, honesty and public integrity. As future members of that profession, students of the School of Law are bound to observe principles that reflect the same high standards that govern the practice of law. This Honor Code sets forth conduct that is unacceptable, and therefore, prohibited. This Honor Code establishes minimum standards for student professional responsibility. The standards of conduct in this Honor Code are in addition to the standards set forth in the University Code of Conduct and violations of this Honor Code will be subject to the procedures and sanctions of this Honor Code, as set forth below.

The School of Law's mission is to promote a community where each student can obtain an outstanding legal education. To that end, this Honor Code is not intended to regulate ideas, but to foster an atmosphere of professionalism, trust, mutual respect, civility, and accountability in which those ideas can be created and explored. Upon admission, all students become part of the School of Law community and share in its mission. Accordingly, by matriculating at Western New England University School of Law, students accept the responsibilities set forth by this Honor Code, including the responsibility to participate in its implementation.

The purposes of this Code are to establish standards of honorable conduct expected and required of students at Western New England University School of Law; to constitute and define the authority of the Honor Committee; and to provide appropriate procedures which the Honor Committee and use to faculty enforce the standards this Code establishes.

# Honor Code

## **PART II. DUTIES, SCOPE, AND AUTHORITY**

### **Section 2.1. Duties:**

- A. All students have the duty to know the contents of this Honor Code and to conform their conduct to it. All students are presumed to know the contents of this Code and ignorance of its contents or ignorance of particular conduct that is prohibited under its provisions is not a defense to any violation of the Code.
- B. The School of Law has the duty to make copies of this Code available to students within one week of their matriculation. All students are bound by this Code even in the event that a copy of the Code has not been provided to them by the School of Law.

### **Section 2.2. Scope:**

- A. The success of the Honor Code depends upon the diligence with which members of the School of Law community ensure that they, as well as others, uphold the letter and spirit of the Honor Code. All suspected violations of the Honor Code should be reported to the appropriate faculty member(s), the Honor Code Committee, or the Associate Dean so that appropriate action can be taken. However, failing to give notice of such a suspected violation is not itself violation of this Code.
- B. All provisions of the Honor Code apply to the conduct of all students at Western New England University School of Law during the time they are enrolled in the School of Law. A student is subject to disciplinary action for violations of this Code, including violations in seeking admission, while enrolled at the School of Law or for any period of time during which the student was matriculated at the School of Law, even though the offending student is no longer enrolled in the School of Law.
- C. In addition to the School of Law Honor Code, students of the School of Law are fully subject to the University Code of Conduct, Student Handbook, standards, processes, and remedies set forth therein.

**Section 2.3. Authority:** The Dean of the School of Law is responsible for enforcing the Honor Code. The authority is delegated to the Honor Code Committee, or the dean's delegate and a Committee to be appointed by the Dean.

**Section 2.4. Residual Authority:** Although only the Honor Committee may determine that a student has violated this Code, nothing in this Code shall limit the authority of:

- A. Instructors to establish academic standards of performance for their courses, to evaluate student performance under these standards, and to impose such sanctions for failure to adhere to these standards as is within the authority of the instructor, including without limitation, the authority to give a failing grade to the student for the course; and
- B. The Dean or the faculty to take measures to protect the physical safety of members of the School of Law community, or to maintain conditions compatible with the educational process or institutional integrity of the School of Law.

## **PART III. CONSTRUCTION OF CODE**

**Section 301. Construction:** The provisions of this Code shall be construed to further the general purposes of the Code and the specific purposes of the particular provision involved.

# Honor Code

## **PART IV. STANDARD OF CONDUCT**

The following conduct, if committed by a student while engaged or participating in academic activities or any School of Law or university activity, will subject the student to action under this code:

**Section 401. Academic Improprieties:** Academic impropriety in all its forms, in course work, on examinations, or in other academically related activities, including but not limited to:

- A. Cheating in connection with an assignment or examination includes but is not limited to:
  1. Acquiring information concerning an examination or assignment, without the instructor's authorization; copying from another student; unauthorized use of material or using unauthorized materials;
  2. Collaborating with another person without authorization from the supervising professor;
  3. Taking an examination for another student in whole or in part, permitting another student to take one's own examination in whole or in part, or collaborating with another student by taking an examination jointly, without the instructor's authorization;
  4. Preparing an assignment for another student in whole or in part, permitting another student to prepare one's own assignment in whole or in part, or collaborating with another student by preparing an assignment jointly, without the instructor's authorization;
  5. Removing an examination from the examination room in order to give or receive assistance on the examination;
  6. Using materials not authorized by the instructor while taking an examination or completing an assignment;
  7. Failing to follow instructions concerning the administration of an examination, including the instruction to stop writing;
  8. Breaching the anonymity of an anonymously graded examination or assignment;
  9. Discussing any aspect of an examination or assignment that one has taken or is currently taking with any person who is currently or will later be taking the same examination or assignment, without the instructor's authorization;
  10. Submitting work previously submitted for any other purpose, without authorization;
  11. Falsely claiming sickness or disability to secure a deferred examination or assignment due date; and
  12. Assisting another student with legal research for any writing assignment, or receiving such assistance, without the instructor's authorization. Providing or receiving general assistance with generic research skills or strategies is not cheating unless this manner of assistance has been prohibited by the instructor.

# Honor Code

- B. Plagiarism in any academic endeavor. Academic integrity requires that all ideas and words be credited to their original source. Plagiarism means representing the words or ideas of another as one's own. The misrepresentation need not be intentional; even inadvertent conduct constitutes plagiarism. Plagiarism includes, but is not limited to:
1. Quoting without citation or without appropriate punctuation, including quotation marks;
  2. Paraphrasing without appropriate attribution;
  3. Misrepresenting another's analysis, synthesis, organization, or compilation of sources as one's own;  
or
  4. Using Internet sources without appropriate attribution, on the same basis as any other source.
  5. Submitting the same or substantially similar work for more than one course, unless authorized to do so by the professors teaching the courses.
  6. Knowingly obtaining, using, buying, selling or soliciting in whole or in part the contents of an unreleased examination.
  7. Intentionally causing a disadvantage to other students.
- C. Unauthorized Taking of Academic Materials. An unauthorized taking of academic materials occurs when a student appropriates any academic materials (including, but not limited to, notes, books, papers, outlines, computer files, electronic files, technology, or other electronic materials or other work product) from any other student who owns or is in proper possession of such materials, without that other student's consent.
- D. Library Misconduct. Library misconduct includes:
1. Defacing, mutilating, or destroying library material or equipment;
  2. Hiding or knowingly misfiling library material;
  3. Knowingly removing library material from the library without checking out the materials;
  4. Intentionally using any computerized research services covered by a contract to which the School of Law or its Library is a party in a manner that violates such a contract; and
  5. Creating disturbances that are inconsistent with the rights of others to a quiet study environment.

**Section 402. Violations Discovered After Graduation:** If a law student commits academic improprieties which are not discovered until after graduation, the student's graduation will not prevent the Honor Code provisions from applying. If, as a result of imposition of sanctions, the student no longer meets the requirements for graduation, the student's law degree will be withdrawn, as will any certifications to bar authorities.

# Honor Code

## **Section 403. Violations involving University documents or records:**

- A. Improperly using, destroying, forging, or altering University documents or records.
- B. Misrepresentations, forged, falsified or altered information: Supplying forged, falsified or altered information while seeking employment, educational or professional opportunities or financial aid.
- C. Intentional misrepresentation of School of Law academic or enrollment status, or involvement in extracurricular activities.

**Section 404. Aiding or Encouraging Violations of This Honor Code:** Aiding, encouraging, promoting or soliciting the doing of any prohibited conduct.

## **Section 405. Abuse or Obstruction of the Honor Code Process:**

- A. Non-cooperation with the Honor Committee is the refusal to meet with and provide information to the Honor Committee or its representatives with respect to any investigation or proceeding under this Code. No student is required to provide information of a self-incriminating nature. However, the Committee can draw an adverse inference in cases in which a student declines to provide responsive information to the Honor Committee.
- B. Making a false or misleading statement to the Honor Committee or its representatives with respect to any matter under investigation or review pursuant to this Code.
- C. Engaging in conduct intended to obstruct access to potential evidence, or to alter, destroy, or conceal potential evidence connected with an Honor Code investigation or proceeding.
- D. Filing a frivolous complaint of an Honor Code violation with the intent to harass another student. A frivolous complaint is one without basis in fact.
- E. Attempting to intimidate or deter complainants, witnesses, or other participants in an Honor Code investigation or proceeding.
- F. Preventing the discovery of prohibited conduct.

**Section 406. Breach of Confidentiality:** Breaching confidentiality is knowingly revealing, without authorization, information obtained through participation in a formal School of Law activity (such as a Student Bar Association committee, a School of Law governance committee, Law Review, or some form of employment by the School of Law or University) if that information is of a confidential nature.

## **Section 407. Academic Misconduct at Another Institution or Program:**

- A. Acts which would be a violation of the provisions of this Honor Code if committed at the School of Law, but which were committed while enrolled at another academic institution.
- B. A determination of academic misconduct by any other institution or program.

# Honor Code

**Section 408: Conduct During the Admissions Process:** The following conduct, if committed by an applicant to the School of Law, and not discovered or disclosed until after the applicant's matriculation as a law student, will subject the student to action under this code:

- A. Knowingly providing false or misleading information to any person to gain an advantage in securing admission to the School of Law;
- B. Forging, falsifying or altering documents or records submitted in connection with the student's application for admission to the School of Law;
- C. Submitting false information in response to questions on the student's School of Law application or questions from admissions officers asked in connection with the student's School of Law application;
- D. Failing to provide information or providing incomplete information in response to questions on the student's School of Law application or questions from admissions officers asked in connection with the student's School of Law application if the omitted information would have been material to the decision of the School of Law Admissions Committee regarding the student's application.
- E. The conduct described above, if discovered or disclosed prior to the applicant's matriculation as a law student, will be reviewed by the Admissions Committee, which will determine whether the applicant's conduct should preclude admission to the School of Law. The Admissions Committee, where appropriate, will also forward information concerning the applicant's conduct to the School of Law Admissions Council.

**Section 409. Misconduct in Seeking Employment:** Knowingly providing false or misleading information to any person to gain an advantage in securing employment.

**Section 410. Misconduct in Seeking Financial Aid:** Knowingly providing false or misleading information to any person to gain an advantage in securing financial aid.

## **PART V. NON ACADEMIC STANDARDS**

**Section 501. Non-academic misconduct** is addressed by the terms and policies of Western New England University. Students of the School of Law are fully subject to the University Code of Conduct, Student Handbook, standards, processes, and remedies set forth therein.

## **PART VI. STANDARD OF REVIEW FOR VIOLATIONS**

A student violates a standard of conduct set forth in this code if the Committee concludes by a preponderance of the evidence that the student engaged in the prohibited conduct.

## **PART VII. SANCTIONS**

This Honor Code does not require the imposition of any particular sanction or range of sanctions for any of the types of misconduct described herein. Thus, for any misconduct under this Honor Code, the full range of sanctions described below is available. What sanction or sanctions are appropriate in a particular case will depend on the circumstances of that case.

# Honor Code

**Section 701. Possible Sanctions.** The following sanctions may be imposed for violations of this Honor Code:

- A. Expulsion from the School of Law;
- B. Suspension with the opportunity to apply to the Admissions Committee for readmission after a specified period of time;
- C. Suspension for a definite period of time;
- D. Partial or total revocation or suspension of scholarship assistance;
- E. Probation for a definite period of time under specified terms or conditions with consequences specified for noncompliance;
- F. Removal from any student governmental office or position in any School of Law sponsored activity or organization or from any other University sponsored position of trust, responsibility or interest;
- G. Denial of the privilege of participation in any School of Law or University sponsored extracurricular or athletic activity or organization for a definite period of time;
- H. Written warning or reprimand, including a report to the dean and bar admission authorities;
- I. Verbal warning;
- J. Prohibiting or restricting access to and/or use of School of Law or University facilities or services;
- K. Monetary or other restitution;
- L. Change of grade in a course;
- M. Withdrawal of academic credit in a course; or
- N. Receiving no credit for an academic work product, with or without an opportunity to redo the product;

**Section 702. Expulsion, Suspension, and Probation:** The sanctions of expulsion, suspension and probation are inconsistent and shall not be imposed concurrently. Any suspension will be considered a total suspension from all School of Law classes and activities unless it is expressly limited to specified classes or activities. The sanctions of suspension and probation may be subject to conditions.

## **PART VIII. RULES OF PROCEDURE**

### **Section 801. The Honor Code and Student Petitions Committee:**

- A. Composition. The Committee shall consist of three members of the faculty, chosen by the faculty, and two law student representatives chosen by the Student Bar Association. The Associate Dean for Academic Affairs serves ex officio. The Student Bar Association also will designate two alternate members at the beginning of the year. If no students are able to serve, the Committee may go forward without student members. At the beginning of each academic year the Committee shall select a chair for that year from among its members.
- B. Quorum. A quorum for any meeting of the Committee shall consist of three members.

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- C. **Withdrawal and Ineligibility of Members:** A member of the Committee may withdraw from the consideration of any Committee matter if such member believes that participation would be improper or unwise. A member of the Committee shall withdraw from consideration of any Committee matter if such member provided the statement of violation to the Committee, if such member may reasonably be expected to testify or otherwise furnish information regarding facts pertinent to the matter, or if such student member is charged with a violation of the Code in the matter before the Committee. A charge against a student member renders that student member ineligible for continued service on the Committee.
- D. **Replacement of Members:** Whenever a faculty member of the Committee withdraws from participation on the Committee, the Chair shall appoint another faculty member to serve. Whenever a student member of the Committee withdraws or is rendered ineligible from participation, the Student Bar Association President shall appoint one of the alternates designated to serve. The Dean or the Dean's designate shall appoint members in the event there is no quorum or the Chair of the Committee withdraws.
- E. **Responsibilities:**
  - 1. The Committee shall resolve all suspected violations of this Code brought to its attention according to the procedures set out in this Code.
  - 2. The Committee may also issue written advisory opinions as to whether particular hypothetical conduct constitutes a violation of this Code.
  - 3. The Committee shall carry out all other responsibilities that this Code assigns to it.

## **Section 802. Investigation:**

- A. **Notification of Suspected Violation:** Any person who reasonably believes that a student has violated this Code and who wishes to report such violation shall submit a statement, orally or in writing, containing all relevant information to any member of the Committee.
- B. **Initiation of Investigation:** As soon as practicable after receiving notification of a suspected violation, the Committee shall meet to determine whether investigation of the matter described in the statement is warranted. If the Committee determines by majority vote that investigation is warranted, the Chair shall appoint one faculty member and one student member of the Committee to serve as investigators. Investigators shall not thereafter act as members of the Committee with regard to the matter under investigation.
- C. **Investigation:** The investigators shall conduct their investigation in whatever way they consider appropriate, including gathering relevant documentary evidence and speaking to the person who referred the matter and other persons who may have relevant information. The investigators shall not reveal the name of the person who notified the Committee of a suspected violation or the name of the student whose conduct is under investigation unless doing so is necessary to their investigation.

# Honor Code

- D. Before concluding their investigation, with respect to any student whose conduct is under investigation, the investigators shall:
  - 1. notify such student in writing of the investigation;
  - 2. provide such student with a copy of this Code; and
  - 3. advise such student in writing that the Code details the student's rights and responsibilities concerning all investigations and proceedings regarding alleged violations.
- E. The investigators shall complete their investigation within two weeks of the date of their appointment or within such longer time period as may be authorized by the Chair for good cause.
- F. After investigation, subject to the approval of a majority of the Committee members including the investigators, the Committee has discretion to dismiss the matter without issuing a complaint, informally resolve the matter, or issue a complaint.

## **Section 803. Filing and Notice:**

- A. The investigators shall submit the original complaint to the Committee for placement in the file.
- B. The investigators shall, by certified mail and by electronic mail, send the student a copy of the complaint and a copy of this Code to the student's last known address. Concurrently with the mailing to the student, the investigators shall provide each member of the Committee with a copy of the complaint.
- C. The investigators' failure to provide the student with proper notice is not a ground for dismissal of the charges against the student. Such failure may constitute good cause for a continuance.

## **Section 804. Continuing Responsibilities of Investigators.** After the issuance of a complaint, the investigators:

- A. may continue to gather evidence relevant to the alleged violation in preparation for the hearing on the charges set out in the complaint; and
- B. retain the authority to resolve the matter informally.

## **Section 805. Time Limitation.** No investigation shall be instituted later than one year following the student's graduation, final withdrawal, or dismissal from the School of Law.

## **Section 806. Hearing, Decision, and Sanction:**

- A. **Timing:** As soon as practicable after the Committee receives a copy of the complaint, the Committee shall determine the date, time, and place of the hearing on the alleged violation, and notify the student, by certified mail and electronic mail, of the time and place and of the student's rights. At any time, the Committee may grant a continuance of a hearing for good cause shown.
- B. **Rights of Student Charged:** A student who has been charged with a violation of the Code shall have the following rights:
  - 1. to be present at the hearing and, at the student's expense, to be assisted at the hearing by counsel or any other representative of the student's choice;
  - 2. to review (personally and/or through counsel and/or representative) any information gathered by the investigators and any evidence in the possession of the investigators at a reasonable time prior to the hearing;

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3. to present any relevant evidence at the hearing and to cross examine any witnesses who testify at the hearing;
4. to testify at the hearing or to refrain from testifying; if however, the student refrains from testifying, the Committee may draw an adverse inference;
5. to a closed hearing, or, upon written request to the Committee, an open hearing;
6. to request or oppose at the hearing any particular sanction for violating this Code; and
7. to prepare, at the student's expense, a daily transcript of the hearing record.

## **Section 807. Conduct of the Hearing:**

- A. Judges. The three Committee members not serving as investigators, shall serve as judges and they shall appoint one member to serve as presiding judge for the hearing. The presiding judge shall convene the hearing and shall advise the student of the student's rights.
- B. Investigators: The investigators shall present all relevant evidence, including any exculpatory evidence, to the judges.
- C. Evidence: Formal rules of evidence do not apply at the hearing. The presiding judge shall admit to the record any relevant evidence, unless it was obtained unlawfully. Notwithstanding the right to an open hearing, witnesses other than the student charged with a violation shall not be present during other testimony unless at least three judges decide otherwise.
- D. Decision: A majority vote of the Committee is required to find a violation.
- E. Hearing Record: The judges shall maintain a recording of the hearing and preserve all documentary evidence.
  1. Opinion: Within seven days of the hearing the judges shall prepare a written opinion briefly setting forth: the evidence they considered; their findings of fact; their decision on the merits of each charge set out in the complaint; the sanctions imposed, if any; the reasons for their decisions on the merits and as to any sanctions; and the number of judges who concurred in each aspect of the decision.
  2. A judge who disagrees with any aspect of the disposition may prepare a separate opinion.
  3. As soon as practicable, the judges shall send a copy of each opinion by certified mail and electronic mail to the student charged in the complaint to the student's last known address.

## **Section 808. Records of Proceedings:**

- A. Committee File: Creation and Maintenance: The Committee shall create and maintain a file with respect to every notification of suspected violation and advisory opinion. The file shall contain all documents relevant to the Committee's consideration and disposition of the matter in question.
- B. Duty to Prepare Official Record: Matters Resolved After a Hearing: When a matter is resolved after a hearing, the official record shall contain the hearing record maintained, the original complaint, the judge's opinions, any decision on appeal, and any other information the Committee decides should be retained.

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## Section 809. Appeals:

- A. Right of Appeal: The student may appeal the judges' decision or the sanctions imposed, or both, to the faculty. Requests to stay sanctions pending the appeal, shall be submitted to and considered by the Committee.
- B. Notice of Appeal: Within ten days of receiving the decision, or within such additional time as the Chair may allow, a student who wishes to appeal must submit a written notice of appeal to the Chair. The notice of appeal shall include a brief statement of the reasons for appeal. The student may assert additional grounds for the appeal in the written brief. As soon as practicable after receiving notice of an appeal, the Chair shall inform the Dean of its submission.
- C. Written Briefs: The student (or the student's representative) and the investigators may submit written briefs regarding the appeal within.
- D. Record of Hearing: At the request of the faculty or the student taking the appeal, the Chair of the Committee shall make available the record of the hearing. The Committee shall make such copies of the recording available as soon as practicable.
- E. Transmission of Documents: As soon as practicable, but in no event later than two days before the hearing on appeal, the Chair of the Committee shall transmit to the faculty copies of the written notice of appeal submitted by the student, the complaint, the judge's written opinions and any briefs submitted.
- F. Hearing on Appeal: As soon as practicable after receiving notice of an appeal from the Chair of the Committee, the Dean shall set the date, time, and place for the hearing of the appeal by the faculty and shall provide at least five days advance written notice of this date, time, and location to the student and to the Chair of the Committee. The Dean, or a faculty member designated by the Dean, shall preside at the hearing on appeal.
- G. Oral Statement: The student (and the student's representative) and the investigators may make brief oral statements to the faculty regarding the appeal.
- H. Decision on Appeal: As soon as practicable after the hearing on appeal, a majority of the faculty voting on the appeal shall affirm, reverse, or modify the judges' decision and sanctions, or remand the matter to the Committee. The faculty shall affirm all findings of fact made by the judges unless it determines that the findings were not supported by substantial evidence. The faculty shall not consider any evidence outside the hearing record, although for good cause shown the faculty may remand the matter to the Committee for the purpose of taking additional evidence. The faculty shall review de novo any sanction imposed by the judges, but shall not increase any sanction. The faculty shall also review de novo any interpretation of this Code made by the judges.
- I. Withdrawal: A faculty member may withdraw from participation and voting in the determination of an appeal if such member believes that participation or voting is improper or unwise. A faculty member shall withdraw from participation and voting in the determination of an appeal if the faculty member filed the statement of violation with the Committee, represented the charged student in connection with the charges, or served as a witness during the hearing. Neither Committee members nor investigators

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shall be present or vote at the hearing on appeal except to provide a statement as provided above.

- J. Disqualification: The student may petition the faculty to disqualify not more than two faculty members from voting on the appeal. The student shall present a written memorandum in support of the petition to the faculty. By majority vote, the faculty may grant the petition and disqualify up to two faculty members from hearing the appeal. Faculty members who are the subject of the petition shall not vote on the question of their disqualification.
- K. Finality of Decision on Appeal: Decisions of the faculty on appeal shall be final. Decisions of the Committee pursuant to a remand by the faculty shall be appealable as provided in this Part.

## **PART IX. REPORTS TO BAR AUTHORITIES**

**Section 901.** As a gateway to the legal profession, the School of Law holds students to a high standard of professional and ethical conduct. The School of Law is required to certify graduates' good character and fitness to state bar examiners. Every finding of an Honor Code violation will be reported by the Dean to any board of bar examiners or equivalent bar investigative authorities for any bar to which the student applies. Students are also responsible for disclosure on the character and fitness requirements of the bar in the state or states where they intend to practice.

## **PART X. RATIFICATION AND EFFECTIVE DATE**

**Section 10.01. Ratification and Effective Date:** This Code, and any amendments thereto, shall take effect upon ratification by majority vote of the faculty and shall be updated and amended by following the procedures set forth in the faculty handbook.

**Section 10.02. Prospective Application.** This Code shall apply to conduct only if the conduct in question occurs entirely after the date of ratification. Amendments to this Code also shall have only prospective effect. Conduct not governed by this Code is governed by the Honor Code in effect at the time the conduct constituting an alleged offense commenced.

Excerpt of the

Western New England University  
Handbook

2020-21

# University Handbook (excerpt)

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# University Policies

## I. ACCEPTABLE USE OF TECHNICAL RESOURCES AND POLICIES

### a. INTRODUCTION

Western New England University provides a comprehensive package of computer and technical resources to students for the purpose of conducting academic and University business. Included in these services are personal computer accounts, access to e-mail, voice communications and voice mail, television, audio, and video services, disk space, network services, and desktop technologies.

The resources necessary to provide these services are either owned or licensed by the University, including University's network, computers, servers, and printers. The use of these resources is a privilege, not a right. These resources are provided with status as a student and are to be used responsibly and in accordance with the 'Acceptable Use Policies'. ([https://www1.wne.edu/information-technology/policies\\_doc/acceptable-use-policy.cfm](https://www1.wne.edu/information-technology/policies_doc/acceptable-use-policy.cfm))

The University also provides use of numerous licensed informational and research databases and software applications. The use of the University's facilities and technological resources is expected to be consistent with educational goals and mission of the University.

The University has established standards and policies to permit the acceptable use of these resources.

### b. ACCOUNT AND ACCESS

Restrictions include but are not limited to:

- i. Using the University's technical resources to engage in any activities not directly related to the University's academic, research, administrative, co-curricular, or residence life activities;
- ii. Using the University's technical resources to engage in illegal activities including violations of local, state, federal, or international law;
- iii. Using the University's technical resources for storing or transporting copyrighted material, documents/photos/software/music/video or files containing such items;
- iv. Using the University's technical resources with the intent to degrade, incapacitate, or otherwise compromise others use of the University's technological resources;
- v. Connecting devices to the University network without appropriate virus and worm related detection software. All computers must have virus protection software. OIT provides this software at no charge to students;
- vi. Connecting devices other than computers in residence hall network jacks, such prohibited devices include hubs, switches, routers, wireless access points, or other such devices that permit more than one device to connect a single network jack. Devices that interfere with other devices or users on the network will be disconnected;
- vii. Interfering with or attempting to interfere with service to the University community by modifying computer hardware in offices, labs, or classrooms; distribution of technology viruses; or intentionally creating resource consuming programs that force denial of service;
- viii. Sharing your account or password with anyone;

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- ix. Attempting to gain access to other individual's accounts, private files or email;
- x. Conducting any harassing activities toward University users;
- xi. Revealing or disclosing confidential information.

## **c. PRIVACY**

The University does not routinely monitor, examine, or otherwise review users' online activities. However, the University does reserve the right to access, monitor, audit, and examine network traffic in order to check network performance issues or if there is reason to believe that a user is in violation of the Acceptable Use Policy.

## **d. EMAIL**

Email is considered an official source of correspondence and University records. All students are responsible for University information sent to their "@wne.edu" account.

## **e. FORGERY**

Falsifying or misrepresenting one's identity or otherwise attempting to impersonate or pass oneself off as another is a violation of the Acceptable Use Policy unless prior written consent has been provided from the representee to the University.

## **f. ENFORCEMENT**

Violation of the Acceptable Use Policy may result in the University blocking or restricting the use of information resources. Students in violation may be subject to disciplinary action up to and including possible suspension or dismissal or termination of employment.

## **g. DISCLAIMER**

The University is responsible for backup, transfer, migration, and recovery of University data that is stored on the University's systems. The University does not guarantee that technical resources are free of objectionable material, defects, errors, viruses, worms, or other malicious content.

## **II. ALCOHOL, DRUG AND SMOKING POLICIES**

### **a. INTRODUCTION**

The Drug-Free Schools and Communities Act of 1989 seeks to eliminate the abuse of alcohol and drugs. This Act requires Colleges and Universities who receive federal financial funding to certify that they will provide drug-free workplaces. Students applying for financial aid involving federal funding must certify they are drug free, and that they will remain drug-free in order to receive federally funded student aid awards, including Pell Grant recipients. Appropriate forms for such certification are available in Enrollment Services.

Western New England University prohibits the unlawful use, possession, sale, manufacture, or distribution of drugs and alcohol by students on & off campus, or while engaged in University sponsored activities. This includes all paraphernalia associated with the use of drugs and/or alcohol. Students will be held responsible for complying with all aspects of federal, state and local laws as well as the University's Student Code of Conduct and this policy.

Western New England University recognizes that alcoholism, drug addiction, and substance abuse may require professional counseling, assistance, or treatment. Students with problems related to, or stemming from, alcohol/substance abuse or dependency are encouraged to utilize the services provided through the University or other sources of assistance. Nonetheless, addiction does not excuse any member of the campus community from violating the rights of others or for neglecting or performing poorly in your academic courses.

# University Policies

## **b. ALCOHOL POLICY**

### **i. OVERVIEW**

The University recognizes the importance of personal and communal responsibility with regard to its alcohol policy. Members of the University community are expected to make responsible choices regarding their use or non-use of alcohol. Intoxication is not an acceptable excuse for irresponsible behavior. The University rightfully assumes that any student who has consumed alcohol is responsible for this choice and their resulting behavior. As part of the educational process, personal accountability includes acceptance of the consequences for violating specific standards of behavior in the University's Alcohol Policy and Student Code of Conduct, as well as other learning-based outcomes, which may include a referral for substance use/abuse counseling.

Alcohol consumption is permitted within the United States, based upon a person attaining a specific age. In the Commonwealth of Massachusetts, the law permits individuals who have achieved the age of twenty-one (21) to possess, purchase, and/or consume alcoholic beverages. University officials are authorized to enforce all state laws regarding the possession, use, and consumption of alcoholic beverages, including those that prohibit these activities by individuals under the age of 21. This includes prohibiting students of legal age from purchasing or providing underage students with alcohol. The terms of this policy apply both to students residing in university-owned housing and students who reside off-campus. Students living off-campus may not provide a site for underage drinking. If this occurs, residents of that address will be held accountable.

### **ii. GENERAL USAGE OF ALCOHOL**

#### **a. STATEMENT OF EXPECTATIONS**

Western New England University supports social interaction based on sound decision making and, if that social interaction includes the use of alcohol, expects its use to be made in a responsible and moderate manner and in accordance with the laws of the Commonwealth of Massachusetts. Persons who abuse alcohol and therefore pose a threat to themselves or others, inflict damage to property, or disrupt any segment of the campus community as a result of the use or misuse of alcohol are subject to appropriate sanctions within the judicial proceedings of the University. Students under the age of 21 are prohibited from possessing, transporting or consuming alcohol. The University also makes a distinction between underage and legal age residence areas on the campus. On this basis, students of any age (and their guests) may not possess, provide or consume alcohol in any underage residence facility. These facilities include: Berkshire, Commonwealth, Franklin, Hampden and Windham Halls, as well as the LaRiviere Center and Plymouth Complex. Students who are 21 or older and who live in Evergreen Village, Gateway Village, and Southwood may socialize with alcohol, so long as it is done in a manner consistent with the terms of this policy. If it is apparent that the terms of this policy are being violated or, in the judgment of University officials, the presence of alcohol causes such issues as excessive noise or crowd control, the student(s) responsible for the situation will be expected to immediately terminate the socializing. Alcohol and alcohol paraphernalia may be confiscated and disposed of by University officials, even if the residents are of legal age. Students may also be held accountable through the judicial process.

#### **b. RESPONSIBLE USE**

The University views responsible use as any activity or behavior that focuses on, and results in, the consumption of alcohol in moderation with an emphasis on the personal safety and welfare of others. Whenever alcohol has not been consumed in a responsible manner, and there is concern for the physical and/or emotional well-being of any individual present or involved, University staff should be contacted for assistance. Personal safety should not be jeopardized because of potential consequences as the result of policy violations. Knowing that the possession, transportation and/or use of alcohol by underage students is prohibited, the following expectations are intended to assist legal age students in making responsible decisions regarding the possession and use of alcohol when drinking alone or when socializing with others:

# University Policies

1. The University considers intoxication as any drinking-related behavior that requires the attention of University staff, including that which causes a disturbance or is a danger to persons or property. Intoxication is not an excuse for erratic, irresponsible behavior directed at one's self, others or to property. Any student who consumes alcohol off-campus, and who is disruptive and/or noticeably intoxicated when they return to campus, can be documented for violation of the alcohol policy as well.
2. Any form of 'drinking game' is strictly prohibited, even if alcohol may not appear to be directly involved in the socializing at that point in time, as well as any device or apparatus designed or intended for the rapid consumption of alcohol and/or any other beverage. Examples include, but are not limited to: funnels, beer pong tables, and ice luges. Misuse of any commodity, such as a shot glass, is prohibited as well. These items may be confiscated by University staff, in that they present a clear and present danger to personal welfare. Any University property (such as a closet door) used for a 'drinking game', or that is considered evidence of a 'drinking game,' will be confiscated as well and resident(s) are responsible for the replacement cost of this item.
3. Because consumption of alcohol frequently involves socializing with others, it is expected that social events be approved by, and registered with, the University. A social event is defined as follows: 1. Any socializing with alcohol that is part of an event hosted by a recognized club or organization, regardless of the number of persons involved or location. 2. Any socializing at a students' on-campus residence that involves more than six guests and where alcohol is being served. When alcohol is part of a social event, it should be just that – a complement to the event and not the primary purpose or focus of the event. A common source of alcohol is permitted only at a University-approved social event. D. A common source of alcohol is defined by the University as a situation that involves any type of keg or any type of situation that could be viewed as self-service (such as an open bar, a pitcher or a 'spiked' punch bowl) and Bring Your Own Beer/ Beverage (BYOB) situations of any kind.

### iii. ALCOHOLIC BEVERAGES AT UNIVERSITY - APPROVED SOCIAL EVENTS

#### a. Requests for Alcohol

1. Requests for alcohol at University-approved social events in any location other than the legal age residence areas must be received in the Office of Student Involvement and Leadership at least four weeks in advance of the planned event.
2. The Office of Student Involvement and Leadership will approve or deny each request separately. This action will be conveyed in writing to the sponsoring individual or organization.
3. It is the expectation of the University that an on-campus sponsor will attend and monitor the entire event, as well as the service of alcohol. If alcohol is to be sold, a City One-Day License must be obtained and displayed at the function. As follows: a. A minimum of one business week if requested through the Office of Student Involvement and Leadership or b. If on the weekend, requests may be approved at the discretion of the on-duty Residence Life Staff.
4. All guests must be of the legal age to consume alcohol, and substantial food (as indicated on the request form) must be provided.
5. If the social event is occurring in student housing that has both of-age and underage residents, the only underage students allowed on site are the residents of the host's townhouse/ apartment and may not consume alcohol.

# University Policies

- b. **Types of Alcohol:** Alcohol is limited to beer, malt beverages, and/or wine at any approved social event. Only the amount and type of alcohol that was approved may be provided or consumed at the event. This may not include any alcohol previously purchased for personal consumption.
- c. **Limitations on Alcohol:** The University reserves the right to place limits on the amount of alcohol available at any University-approved function.
- d. **Physical Area:** Approval for alcohol at social functions will indicate the specific area designated for service use or consumption. The sponsoring organization or individual(s) is/are responsible for restricting access to, and activity in, the area.
- e. **Service Portions:** Alcoholic beverages, when permitted, will be in single servings only. Pitchers, open bars, and self-service bars are not permitted. Registered social events occurring in of age residence areas may not include the use of alcoholic beverages in glass containers. This policy exists to reduce the risk of personal injury from broken glass.
- f. **Bring Your Own Bottle (BYOB) Parties:** BYOB situations are strictly prohibited. No alcohol other than beer, malt beverages, and/or wine supplied by the sponsor (and only those beverages previously approved for distribution) may be brought into, dispersed or consumed at University functions.
- g. **Availability of Food and Alternatives to Alcohol:** Appropriate non-alcoholic beverage alternatives, as well as reasonable amounts of substantial food, must be readily and prominently available at functions where alcohol has been approved.
- h. **Supervisory Responsibilities:** When alcohol is approved for use at approved social events, the sponsoring organization or individual(s) assumes responsibility for supervising and ensuring that the laws of the Commonwealth and the policies of the University are obeyed. If necessary, it is the responsibility of the sponsoring organization or individual(s) to seek the aid of University officials in ensuring that the laws of the Commonwealth and the policies of the University are obeyed. Care should be taken in such situations to assure reasonableness of actions and adherence to appropriate laws and regulations, with particular concern for assumed liability for service to minors and consumption of alcohol by their guests. All students serving alcohol in their place of residence are responsible for obeying the laws of the Commonwealth of Massachusetts, as well as the regulations of the University. As host(s) of the social event, the student(s) is/are responsible, as well as fiscally and judicially accountable, for their visitors and the behavior of those visitors. A visitor is defined as anyone other than the actual residents of the space where the social event is occurring. Accordingly, hosts, as well as other residents, may be held accountable for the actions of fellow Western New England University students, and/or non-students, socializing at their place of residence.
- iv: **OTHER BUILDING PROHIBITIONS**  
Consumption or possession of alcohol is not permitted in any faculty, staff, or administrative lounge or office, classroom or administrative work area at any time.
- v: **OUTDOOR PROHIBITIONS**  
Consumption of alcohol is not permitted in any outdoor area of the campus, unless specific written permission has been granted for the event.
- vi: **OPERATING A MOTOR VEHICLE**  
Operating a motor vehicle while under the influence of alcohol is prohibited and subject to University, criminal, and civil action.

# University Policies

## vii: PROPER IDENTIFICATION

Misrepresentation of identification for the purpose of gaining access to an area (whether on or off-campus) where alcohol is being sold or consumed is prohibited. Under Massachusetts law, persons who make, use, carry, sell or distribute false identification documents are guilty of a felony.

## viii: PROVISIONS FOR RESIDENTIAL AREAS

### a. ALL RESIDENCE AREAS

The University reserves the right to inspect vehicles and personal belongings (i.e. backpacks, laundry baskets, and other commodities) if it is reasonable to believe that alcohol is present in, or intended for, an under-age residence area. Alcohol and alcohol paraphernalia will be confiscated and disposed of by University officials.

### b. OF-AGE RESIDENCE AREAS

i. Students may not display or consume alcohol in outside areas surrounding the University's residence facilities. This includes, but is not limited to: lawns, sidewalks, and parking areas. Exceptions may occur for University-approved functions or events.

ii. If there is any indication that alcohol is being misused by one or more persons in the apartment or townhouse, it will be viewed as irresponsible use. Ultimately, evidence of a policy violation will be based on the quantity of alcohol present, as well as the activity (or intended activity) occurring at that time.

iii. An accumulation of alcohol beverage containers is prohibited, and will be viewed as evidence of a large quantity of alcohol not indicative of responsible personal consumption. Empty containers must be recycled or disposed of on a regular basis and keepsake and trophy walls of containers are not allowed.

iv. Since apartments and townhouses have complete kitchens and therefore a variety of glass containers for food, food preparation and storage, residents may purchase and consume alcoholic beverages in glass containers as well. As with any glass container, care should be taken with storage, use, and disposal.

v. Alcohol bar set-ups are prohibited, in that the possession of alcohol is restricted to personal consumption in moderation, even in of-age residence areas. Alcoholic beverages should either be refrigerated or stored in University-provided storage space (locations such as the kitchen cabinets or closets) or personal storage space such as a trunk. In-plain-view alcohol displays should be avoided to prevent the appearance of a bar or uncontrolled serving.

vi. Socializing at a student's place of residence that involves up to six guests (and is therefore not a social event that must be registered with the University) the following stipulations apply:

a. Only under-age residents of that apartment or townhouse may be present;

b. Underage guests or visitors may not be present when alcohol is being consumed.

c. Invited guests may not bring their own alcoholic beverages (no BYOB); and

d. Beverages must be in individual servings (no kegs, pitchers, punch bowls, etc.).

# University Policies

vii. If it is reasonable to believe that a large quantity and/or common source of alcohol is intended for an unregistered social event in an “of-age” residence area, the University reserves the right to inspect vehicles and personal belongings (e.g. bags, backpacks, laundry baskets, boxes, and other containers.) Alcohol and alcohol paraphernalia may be confiscated and disposed of by University officials. This includes funnels and drinking game materials. Alcohol may be confiscated from of-age residents, guests or visitors if it is evident underage or otherwise irresponsible consumption of alcohol has occurred or is likely to occur.

## c. UNDER-AGE RESIDENCE AREAS

i. To provide a clear and consistent message in underage residence areas, decorations such as neon signs, display cases, and bulk containers that specifically advertise and/or promote alcohol and its use are prohibited. Other items may need to be removed from display, at the University’s judgment and discretion.

ii. The University reserves the right to inspect vehicles and personal belongings (e.g. bags backpacks, laundry baskets, boxes and other containers.) if it is reasonable to believe that alcohol is present in or intended for an underage residence area. Alcohol will be confiscated and disposed of by University officials.

## c. DRUG POLICY

### i. INTRODUCTION

The use of illicit drugs, synthetic drugs and marijuana can adversely affect the academic and personal life of the individual and has the potential to disrupt the academic and residential community of the University.

The possession, distribution, or use of illegal drugs, synthetic drugs, or narcotics, including but not limited to amphetamines, marijuana, cocaine, heroin, LSD, synthetic drugs and any associated paraphernalia is strictly prohibited. Violations will result in disciplinary action in accordance with the Student Code of Conduct.

Students applying for financial aid involving federal funding must certify they are drug free, and that they will remain drug-free in order to receive federally funded student aid awards. Appropriate forms for such certification are available Enrollment Services. No fees of any kind will be charged by the institution for making such programs available to any student. No adverse or prejudicial effects should result to any student choosing to take advantage of the provisions of this Act.

### ii. MARIJUANA AND MEDICAL MARIJUANA

Pursuant to M.G.L. c. 94G §7, the Commonwealth of Massachusetts has legalized the possession of marijuana for individuals 21 years of age and older.

Western New England University is bound by federal law. Marijuana is a Schedule I narcotic and remains illegal to possess on the campus of Western New England University in accordance with the Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act of 1989. Anyone who possesses marijuana on campus will face internal disciplinary action in accordance with the Student Code of Conduct.

# University Policies

The University's statutory obligations under federal law, which prohibit the possession and use of marijuana, prevail over Massachusetts State Law, that permits the use of medical marijuana under limited circumstances.

Western New England University Health Services will not distribute medical marijuana, nor will the University write prescriptions for it.

### iii. DRUG TESTING

Any student who has been reported for alleged use of any narcotic, drug, chemical compound, or other controlled substance may request a drug test (urine analysis) through the University's Health Services. This test shall be at the student's expense. The student must contact a member of the Health Services staff within 6 hours of the alleged incident either by going directly to the Health Services office, if open, or notifying Public Safety (413-782- 1207) who will contact the Director of Health Services. The Director will contact the student to arrange a time and place of testing.

If the student so chooses, the results of the drug test may be submitted as new information for consideration of a student-initiated request for further review (an appeal) of a conduct review or administrative educational review. The student must sign a waiver at Health Services, authorizing release of this information to the administrator who will review the appeal and render a final decision. Release of the drug test results also permits a professional within Health Services to discuss any and all aspects of the test results with this administrator.

### **d. GOOD SAMARTIAN POLICY (MEDICAL AMNESTY POLICY)**

The Western New England University community values the health and safety of its members and supports an environment that encourages students to help others who are in need of assistance. This policy has been established to encourage students to take responsible action when another student or guest is at risk due to the consumption of alcohol and/or drugs or other medical emergencies.

Good Samaritan, Medical Amnesty does not apply to other conduct violations such as assault, harassment, hazing, vandalism, driving under the influence, property damage, or distribution of illicit substances.

### **e. SMOKE FREE ENVIRONMENT POLICY**

In accordance with the Massachusetts Clean Air Indoor Act of 1988, all campus facilities are smoke-free environments. This restriction includes the use of any devices such as a hookah, electronic cigarettes, or vapor smoking devices. Smoking is prohibited within twenty-five feet of a main exit or entrance, or operable window or vent, of a University-owned, occupied, or leased building and inside University vehicles.

Smoking by students and/or their guest(s) is strictly limited to the exterior of University owned buildings.

Should any person(s) set off a fire alarm by smoking, vaping, or burning incense/ candles in a residence hall they shall be subject to the Student Code of Conduct and also receive a fine of \$100.00 for the first offense, and \$250.00 for any subsequent offenses.

All members of the University community and guests are expected to observe the smoke free areas on campus.

# University Policies

## III. COVID-19

Western New England University is committed to maintaining a safe work and learning environment, particularly during the current pandemic. The University has therefore adopted the following principles and guidelines which every member of our community – faculty, staff, and students – is responsible for knowing and following.

- All community members must recognize that COVID-19 is a contagious, sometimes symptomless, potentially serious, illness.
- There are inherent risks of exposure to COVID-19 at the University which are not specific to the University but common to many situations in which people interact with each other.
- The University has implemented safety rules/precautions to decrease the spread of COVID-19. All will abide by these rules/precautions, which are University policy, and include, but are not limited to: wearing personal protective equipment, handwashing, hand sanitizing, COVID-19 testing, and physical distancing. Specific guidance related to how these rules/precautions are to be exercised may change over time as our knowledge of the virus and its transmission is improved.
- All community members diagnosed with COVID-19 at an off-campus health care facility, or experiencing symptoms consistent with COVID-19, such as coughing, fever, and/or loss of taste or smell, will immediately report this information to Western New England University Health Services at (413) 782-1211 and follow whatever guidelines Health Services requires, including reporting to Health Services for testing and examination.
- All community members diagnosed with COVID-19 will cooperate with all guidelines required by Health Services, which may include but are not limited to, isolation or quarantine at home or on the campus until such time as Health Services determines there is no longer a risk posed to the community.
- All community members diagnosed with COVID-19 will cooperate with the Massachusetts Community Tracing Collaborative, truthfully providing all information requested.
- In addition, in order to provide a safer community, the following VISITATION POLICY is being implemented:

### **Campus Visitor/Guest Policy**

Only currently enrolled students, faculty, staff, invited University guests (i.e. career services) and approved vendors/service providers of Western New England University may visit campus buildings. This policy will remain in effect until further notice. All visitors are required to wear face coverings while on University property and practice six feet of physical distance.

### **Exceptions**

Recent law graduates utilizing Bar Exam Preparation Services will be allowed access to the Law Library with their campus ID.

### **Residence Hall Visitation**

- Visitors/guests are not allowed in the residence halls; current students/campus members, however, can visit each other in the residence halls.
- In a double room at no time can there be more than 2 current students/campus members visiting in total, in suites and apartments no more than 6 current students/campus members can visit in total.
- Immediate families may visit their resident students in common University areas such as residence hall lounges, University Commons, or in outdoor spaces.
- No overnight visitors or guests are permitted unless they are current Western New England University students.

# University Policies

## IV. DISCRIMINATION, HARASSMENT & BIAS POLICY

### a. INTRODUCTION

Western New England University is committed to creating and maintaining an educational, working, and living environment free from discrimination, including harassment, bias and retaliation, as described in this Policy. The University prohibits any such discrimination and applies to everyone in the campus community.

This policy applies to discrimination, including harassment, based on an applicant's, employee's, or student's protected characteristics.

This policy does not cover misconduct committed by third parties (including parties who are not current students, faculty, or staff). This policy does not apply to complaints of sexual misconduct, including sexual harassment. For any complaints alleging sexual misconduct, including sexual harassment, see Chapter Three: Sexual Harassment/Title IX Policy.

### b. CIVILITY STATEMENT

A distinguishing characteristic of Western New England University is a commitment to civility in all interactions between and among the individuals and groups making up our academic community, as well as in dealings with visitors to the campus and the larger community in which we reside. Any behavior or communication that contains elements of incivility will not be tolerated. When disagreements occur between individuals and/or groups, as they do in all communities, it is expected that the merits of opposing positions will be discussed without resort to insult, personal attack, or bias. Every member of the Western New England University community has the right to their beliefs so long as they are expressed in a manner that is respectful of the rights of others. The ideas of others and their right to hold and express those ideas in a civilized manner must likewise be met by civil response from those who may hold opposing positions. The cultural expectations of Western New England University require that each member of our community has the right to be treated with respect and dignity at all times. Persons witnessing an act of bias should provide all possible support to the victim of such activity but should refrain from any act that might lead to an escalation of the situation.

Students are responsible for University policies and procedures regarding incidents of bias. A copy of these policies may be obtained from Chapter Three in the Student Handbook.

### c. DISCRIMINATION POLICY

- i. Western New England University does not discriminate on the basis of race, religion, color, national origin, age, sex, sexual orientation, gender identity, gender expression, genetics or disability in admission to, access to, treatment in or employment in its programs and activities. The following person has been designated to handle inquiries regarding discrimination policies:

Assistant Vice President and Director of Human Resources  
Western New England University  
1215 Wilbraham Road, Springfield, Massachusetts 01119  
(413) 782-1343

Inquiries concerning the application of nondiscrimination policies may also be referred to:

Regional Director  
Office for Civil Rights  
U.S. Department of Education  
J.W. McCormack P.O.C.H., Room 222, Boston, Massachusetts 02109-4557  
(617) 289-0111

# University Policies

## **d. BIAS AND BIAS-RELATED INCIDENTS**

Western New England University is firmly committed to addressing all bias and bias-based incidents in a timely manner. Any complaints of bias and/or unlawful discrimination shall be addressed according to the policies and procedures set forth in the Western New England University Discrimination/Harassment/Bias Policy, also contained in the student and employee handbooks, which can be found at: <http://www1.wne.edu/title-ix/index.cfm>

## **e. BYSTANDER INTERVENTION AND REPORTING**

If assistance in resolving a situation is needed, Public Safety should be contacted immediately. If you have experienced or witnessed any act of discrimination, harassment or bias on the campus, or involving any member of the Western New England University community, information pertaining to this incident should be reported immediately and confidentially to Vice President of Student Affairs and Dean of Students or the Director of Public Safety. <https://www1.wne.edu/public-safety/bias-reporting-form.cfm>

## **f. DEFINITIONS**

*Harassment/Discrimination:* Harassment constitutes a form of discrimination that is prohibited by law.

Members of the Western New England University community, guests and visitors have the right to be free from discrimination and harassment. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University supports a zero-tolerance approach to discrimination, harassment, or bias and complies with all applicable federal and state laws.

*Bias and Biased-Based Incidents:* Western New England University defines bias as any stereotypical opinion or attitude toward a person(s) based upon actual or perceived membership in a group, including, but not limited to: sex, race, color, creed, religion, ethnic or national origin, age, disability status, sexual orientation, gender identity or gender expression, genetics, or veteran's status. A bias-based incident is an event which has the intent or effect of demeaning or degrading an individual or group and is motivated in whole or in part by the perpetrator's personal bias. Certain bias-based incidents may also be violations of state and/or federal discrimination laws. Although not an exhaustive list, bias-based incidents may take the form of:

- Threatening written, verbal, or electronic communication
- Graffiti
- Physical assault
- Stalking
- Vandalism
- General harassment or coercion
- Behavior that creates an unwelcoming and hostile environment

*Retaliation:* Any conduct and/or actions against an individual who has complained about discrimination, harassment, or bias against individuals for cooperating with an investigation of a complaint is unlawful and will not be tolerated.

*Respondent:* an individual who is alleged to be the perpetrator of conduct that could constitute harassment, discrimination, or bias.

*Complainant:* an individual who is alleged to be the victim of conduct that could constitute harassment, discrimination, or bias.

# University Policies

## **V. FERPA**

Western New England University complies fully with the provisions of the Family Educational Rights and Privacy Act (FERPA). Under FERPA, students have, with certain limited exceptions, the right to inspect and review all University records, files, and data directly related to them, with the exception of medical and psychiatric records, records to which a student has waived the right of access, and financial records of the student's parents and legal guardians.

FERPA prohibits the distribution of grades to parents or guardians without the prior written consent of the student, or a statement of dependency from the parent when the student is a dependent under the criteria of the Internal Revenue Code.

The Privacy Act requires the University to respect the privacy of education records but provides the right to make public at its discretion, without prior authorization from the individual student, the following personally identifiable information: name of student; local and permanent addresses and telephone numbers (including cellular telephone numbers); email address; class year; school or division of enrollment, major field of study; enrollment status; date and place of birth; dates of attendance at Western New England University, nature and dates of degrees, honors and awards received; weight and height of student athletes; participation in officially recognized sports and activities; and high school and any institution of higher learning previously attended.

A student may limit the release of the above information by submitting a written request to Enrollment Services. However, drug and alcohol related incidents, which violate federal, state, or municipal laws, or any University policy related thereto, may be disclosed to parents under the following circumstances: (1) the student is under the age of 21, and (2) the University determines that the student has committed a disciplinary violation with respect to the use or possession of alcohol or drugs.

More information can be found in Enrollment Services webpage. (<https://www1.wne.edu/enrollment-services/FERPA.cfm>)

## **VI. GAMBLING POLICY**

Gambling, including games of chance where money is involved, is not permitted on University property. Organizations wishing to sponsor a raffle or similar activity must have the approval of the Office of Student Involvement and Leadership.

For information regarding Gaming Activities for Fundraising, please visit the Office of Student Involvement and Leadership website.

## **VII. HAZING POLICY**

### **a. INTRODUCTION**

Hazing is strictly prohibited at Western New England by this Hazing Policy, "WNE Way" and the NCAA as well as Massachusetts State Law. Western New England is first and foremost an educational institution. The University's hazing prevention policies and response procedures for hazing incidents are based on that educational mission.

### **b. DEFINITION AND MASSACHUSETTS GENERAL LAW**

Hazing: Humiliation and sometimes dangerous initiation actions, especially as imposed on college students seeking membership to clubs and organizations. Modified from Oxford languages.

Under Massachusetts General Laws, Chapter 269, Sections 17, 18 and 19, any form of hazing is considered to be a criminal offense punishable by a fine and/or imprisonment. Furthermore, persons who are knowledgeable of, or witness hazing incidents and fail to report them, are also subject to similar penalties.

# University Policies

## **c. ACKNOWLEDGEMENT**

Each Western New England University student organization and athletic team, at the beginning of the academic year, and every student, at the time of registration, is provided with a copy of the Massachusetts General Laws concerning hazing. The officers of student clubs and organizations are required to sign a formal statement acknowledging receipt of such regulations and verifying their adherence to refrain from any harassment or activities which may serve to cause embarrassment to prospective members, or initiates.

## **d. SANCTIONS**

Any student organization found to be involved in hazing or harassment of members or prospective members will have its recognition immediately withdrawn and be required to disband. Individual organizers and participants in hazing will be subject to disciplinary action in accordance with the Student Code of Conduct. Groups that engage in hazing may also be subject to consequences imposed by sponsoring departments (e.g., Athletics, etc.).

## **e. REPORTING**

If assistance in resolving a situation is needed, Public Safety should be contacted immediately. If you have experienced or witnessed any act of hazing on the campus, or involving any member of the Western New England University community, information pertaining to this incident should be reported immediately to Vice President of Student Affairs/Dean of Students and/or Director of Public Safety.

## **VIII. IMMUNIZATION POLICY**

The laws of the Commonwealth of Massachusetts and Western New England University Health Services require all full-time students to present evidence of immunization against measles, mumps, rubella, diphtheria, tetanus/pertussis, hepatitis B, varicella and meningitis. This requirement may be met by credible medical documentation or laboratory confirmation of immunity known as titers.

Immunization history is included in the admission physical examination documentation and is to be submitted to Health Services by August 1. Student may not be allowed to move on campus, and or, begin classes without the required immunization record. Immunizations may be received in Health Services and will be billed to your insurance.

## **IX. INTELLECTUAL PROPERTY**

The University's patent policies are broadly applicable to students as well as to faculty and staff. Like faculty and staff, students' creativity is enhanced by their exposure to the resources (both physical and intellectual) of the University. The University's contribution to that creativity is reflected in its policies, which provide that intellectual property including patentable inventions will be owned by the University rather than by the individual inventor.

An invention made by a student will be deemed made under University auspices and therefore the property of the University if: (a) in connection with work in a course in which the student is enrolled or which the student is auditing, or (b) in connection with faculty-supervised independent work, or (c) in the course of the student's work for the University; whereby such invention is hereby assigned by the student to the University.

## **X. MUSIC/AMPLIFIED SOUND POLICY**

Speakers, amplification systems or other sound generating devices shall not be used within any public University buildings, excluding residence halls, except if used in connection with an approved campus or student organization event taking place. All noise levels must be maintained at a reasonable level.

# University Policies

## **XI. PUBLIC SAFETY**

### **a. INTRODUCTION**

The Department of Public Safety is staffed with personnel, trained and qualified by the Massachusetts State Police. Each officer is certified under Massachusetts General Law and has full police powers. The Department also employs security, student patrol, and administrative support staff, all working cooperatively to enhance the quality of life at Western New England University.

Public Safety is tasked with enforcing University's rules, regulations and policies. Enforcement procedures include issuing parking tickets, filing conduct charges, performing arrests and providing vehicle registration and parking permits and University ID card services. The Department also facilitates educational programs on a number of topics, including alcohol and drug use, personal safety, and fire safety.

Their purpose is to ensure the safety and well-being of all students, faculty, staff, alumni and visitors.

### **b. PARKING AND TRAFFIC REGULATIONS**

#### **i. Introduction**

A goal of the Department of Public Safety is to provide safe and orderly parking for employees, students, and visitors to our campus. We strive to make parking on campus as convenient as possible, while promoting the safe movement of vehicles, providing for pedestrian safety, and assuring access to buildings and walkways for both pedestrians and emergency vehicles. The Department of Public Safety expects cooperation from faculty, staff, students, and visitors when it comes to the safe and orderly operation of their motor vehicles

#### **ii. Limitation of Liability**

Any motor vehicle parked, operated, or driven on campus shall be done so solely at the risk of the owner and the operator. Western New England University shall not be liable for any loss and/or damage occasioned to any such motor vehicle, the operator, other occupant thereof, or any person unless such damage has resulted from the gross negligence of an employee or agent of the University acting in the course and within the scope of their employment.

#### **iii. Vehicle Parking Permits**

All students, faculty, and staff must obtain a Western New England

University parking permit from the Public Safety.

For a complete list of regulations governing parking and driving on campus, including possible sanctions for violations, you may consult website <https://www1.wne.edu/public-safety/need-to-know.cfm> link.

### **c. UNIVERSITY PHOTO ID**

University ID cards are issued to all students, faculty and staff of the Western New England University. This is done, among other reasons, to identify you as a member of the community and as proof of your authorization to be on campus, and allow you to access residence halls, University Commons, Caprio Alumni Healthful Living Center and academic buildings.

All University personnel must carry their University ID with them and must produce it upon request from a member of Public Safety or other authorized agent of the University. Refusal or failure to produce a University ID card may result in conduct charges.

Public Safety issues all University ID cards. Lost cards must be reported to Public Safety. A fee of \$20 will be assessed for a replacement card each occasion a card is reported lost or stolen.

# University Policies

The Western New England University ID card is the property of the University and is to be used for purposes of identification and transaction of University business only. Any University ID card which has been replaced or expired is no longer valid and therefore must be destroyed.

## **d. EMERGENCY NOTIFICATIONS AND RAVE ALERTS**

RAVE Alerts are a type of mass communication system that is easy to use for students, faculty, staff and parents. RAVE can be used to text or message Public Safety in case of safety concerns on campus. RAVE Alerts are provided to give students timely notification of crimes that may represent a serious, on-going threat to the campus community and to heighten safety awareness. RAVE Alerts are also provided to give students notification of power outages, cancellations and other University non-emergency notifications.

## **e. FIREARMS AND WEAPONS**

Western New England University's firearms and weapons policies comply with Massachusetts law. In Massachusetts, it is illegal for anyone to carry firearms (including unloaded weapons, ammunition, knives, or other weapons) on the property of a college or university in the state, unless given express written consent by the University.

The possession, sale, and/or unauthorized use on University property of firearms or other dangerous weapons, or ammunition, explosives, combustible fuels, firecrackers, and potential ingredients thereof is forbidden by University policy. Recreational devices like paintball guns, BB guns, and sling shots are not allowed on campus unless part of a University approved activity. They must be registered and stored at Public Safety.

Western New England University considers any threats involving deadly weapons (firearms, rifles, shotguns, machine guns or assault weapons), explosives, bombs, chemical or biological agents, or any other deadly weapons actionable by University and local authorities, and punishable by fines and/or imprisonment.

In compliance with Federal and State Laws, Active Duty Law Enforcement Officers and Qualified Retired Law Enforcement Officers are permitted to carry a concealed firearm on campus. The University's Department of Public Safety will store a firearm in a secure location for an Active Duty or Retired Law Enforcement Officer upon request. As a courtesy, the University requests that any Active Duty or Qualified Retired Law Enforcement Officer that intends to carry a concealed firearm on campus disclose their desire to Department of Public Safety.

## **f. DRONE POLICY**

### **i. Introduction**

The operation of an unmanned aircraft system (UAS), or drone, is regulated by the Federal Aviation Administration (FAA). This policy is established to require and ensure compliance with all applicable laws, reduces safety risks, and preserves the security and privacy of members of the Western New England University community. The scope of this policy applies to, but is not limited to, the operation of drones on or over the lands of Western New England University property, University controlled property, or for University-affiliated events held elsewhere and is applicable to all employees, students, contractors, volunteers, and guests for civil, commercial, hobby or research purposes. Any violations of law, including trespassing/illegal surveillance or violations of University policies may subject the individual to both criminal and/or disciplinary action. Damages/injuries occurring to University property or individuals will be the responsibility of the drone operator.

# University Policies

## **ii. Guidelines**

1. Drones may not be operated in any way that would create a public safety hazard, an undue hazard to property or privacy, or in such a way that unduly affects the environment of those working or living within a building, to those entering or exiting a building, or those moving about the property.
2. Operators must be under the control of the aircraft at all times, remain within the line of sight of the aircraft, and flown only during daylight hours.
3. Drones may not be operated directly above public open-air events, inside or directly above any public building or above public access road with or without traffic.
4. Drones cannot be flown within 30 feet of a building or other structure.
5. The Director of Public Safety, or their designee, reserves the right to rescind the approved use of a drone at any time and/or for any reason.

## **iii. Any Western New England University student or employee wishing to operate a drone on the University campus for educational, hobby or educational use:**

1. Must obtain prior approval from Public Safety at least 48 hours prior to the use of the drone.
2. Must file a "flight plan" with Public Safety that provides date/time, purpose, and duration of drone operation, as well as the operational area of the campus where the drone will be used.
3. Must comply with all federal and state laws.
4. Must operate the drone in a responsible manner.
5. Must not operate over areas of public assembly, stadium, or areas of construction.
6. Must not photograph/video or monitor areas where other members of the Western New England University community would have a reasonable expectation of privacy, such as, locker rooms, restrooms, residence living space, or other private areas.

## **iv. Any Western New England University student or employee wishing to operate a drone on the University campus for commercial use:**

1. Must first obtain an authorization from the FAA
2. Must file a certificate of insurance with the University naming Western New England University as the additionally insured. Liability insurance coverage must be for \$1M.
3. Must be accompanied by a representative of the University at all times while operating a drone.

# University Policies

## **g. STUDENT RIGHT-TO-KNOW AND CAMPUS SECURITY ACT (CLERY)**

The University is in compliance with the federal Student Right-to-Know and Campus Security Act which requires colleges to disclose certain statistics and campus security policies. According to the requirements, data in these areas were tabulated beginning July 1, 1991, and reported during the summer of 1992 and each summer thereafter. It is the University's policy to provide information concerning security services available on campus.

Campus crime statistics are available from the University's Department of Public Safety. Also, Enrollment Services makes available data on graduation rates, athletic participation rates, and financial support.

Pursuant to the Campus Sex Crimes Prevention Act, any member of the Western New England University community may obtain information provided by the Commonwealth of Massachusetts as to any registered sex offender who may be enrolled or working at the University by contacting the Department of Public Safety.

## **XII. RESIDENCE LIFE POLICIES**

Students residing on campus, upon completion of their housing application, also agree to adhere to the Resident Student Housing Agreement (a contract). Detailed policies and expectations regarding residency can be found at [https://www1.wne.edu/residence-life/doc/20-21-Housing\\_Agreement--final-012720.pdf](https://www1.wne.edu/residence-life/doc/20-21-Housing_Agreement--final-012720.pdf)

### **a. ALCOHOL IN RESIDENTIAL SPACES**

Students of any age and their guests may not possess, provide or consume alcohol in any underage residence facility. These facilities include: Berkshire, Commonwealth, Franklin, Hampden, and Windham Halls, as well as the LaRiviere Center and Plymouth Complex.

The University reserves the right to inspect student vehicles, residence halls, and personal belongings if it is reasonable to believe that alcohol is present in, or intended for, an under-age residence area. Prohibited alcohol and alcohol paraphernalia will be confiscated and disposed of by University Staff.

Students who are 21 years or older and who live in Evergreen Village, Gateway Village, and Southwood may socialize with alcohol, provided that it is done in a manner consistent with the terms of the Alcohol Policy.

### **b. CANS AND BOTTLES**

Cans and/or bottles that contain or formerly contained alcohol may not be stored, collected, or used as decorations. Empty containers must be recycled and disposed of on a regular basis. Keepsake and trophy walls of containers are prohibited.

### **c. GUESTS/VISITORS**

A guest is any person who is not a student at the University. A visitor is a student at the University who is not assigned to the particular location they are visiting.

Students are responsible for the conduct of their guests at all times. Guests are expected to abide by all University rules and policies. Students may have a guest or visitor spend the night, with the knowledge and consent of their roommate. Displacement of other occupants of the living space, or causing inconvenience to residents, is unacceptable.

The presence of an overnight guest/visitor should normally not exceed two (2) consecutive nights or four (4) nights in any seven day period. Any indication that a guest/visitor is utilizing University housing as a place of residence will result in that individual being restricted from University property and accountability for the student host. The University reserves the right to remove a guest/visitor from the campus at any point.

# University Policies

## **d. DAMAGES/VANDALISM**

Students must respect the safety and security of all University property, including property found in individual rooms and public areas. Students must also encourage their fellow residents to be respectful in ensuring that property is not damaged or stolen. Students aware of any person responsible for specific damages are expected to contact a member of Residence Life or Public Safety.

Students will be held responsible for any damage, misuse, or misappropriation of any University-owned property in their rooms. Occupants are required to pay any costs associated with housing damage. Damage charges for repair or replacement, parts and labor, will be assessed on the basis of the extent of physical damage and/or missing University property as determined by University personnel.

## **e. MISUSE AND REMOVAL OF FURNITURE**

Furniture provided in student residence areas is to remain in those assigned residence areas. Lounge furniture cannot be moved into a student's personal living space. Replacement costs for missing furniture is the responsibility of the student.

## **f. QUIET HOURS**

Each residence area has quiet hours, beginning at 10:00 p.m. on weeknights and at midnight on weekends. Given the number of students living in any given area, quiet hours are intended to promote an environment conducive to study and rest. This is a group responsibility, in that each resident has an obligation to monitor themselves and confront others who may be too noisy. If a resident attempt to ask a neighbor to respect quiet hours and is unsuccessful, they can contact a Resident Advisor for assistance. There are also extended quiet hours during finals week.

## **g. ACCESS CARDS/KEYS**

Students are issued a University identification card that also serves as their meal card and access card to their residence hall and other University buildings.

Students who loan their key or card, or students who are found in possession of keys or cards other than their own may be subject to disciplinary action. The duplication of room keys is not permitted.

Lost keys should be reported directly to Public Safety immediately so that they can review your work order and change your lock. Students will be charged \$100 for a lock change as a result of a lost key. If you find your key after your lock has already been changed, and you will still be responsible for the \$100 charge.

## **h. PETS**

All animals, are strictly prohibited inside residential facilities, except as allowed under the Service Animal Policy or Emotional Support Animal Policy. Guest/Visitors may not bring pets inside the residential facilities.

## **i. WINDOW AND BANNER POLICY**

Banners may not be hung from windows or on the side of residence halls/houses/apartments without approval from the Office of Residence Life or VP of Student Affairs/Dean of Students. The University reserves the right to remove posted materials in public view that may be deemed threatening, offensive, insulting or might otherwise lead to incivility between members of our community.

# University Policies

## **XIII. RIGHT TO ASSEMBLE/PEACEFUL DEMONSTRATION GUIDELINES**

All members of the Western New England University community, including faculty, staff and students, have a right to peaceful demonstration on the campus of Western New England University. The University reserves the right, regardless of the content of the demonstration, to limit, disallow or disband a demonstration which incites immediate, violent action or represents a clear and present danger to the campus community or if for any reason of time, place, or manner of behavior, the demonstration materially disrupts class work or other University business, involves substantial disorder, or invades the rights of others.

For safety and security reasons, demonstrators may not enter campus buildings, unless they receive the permission from the Vice President for Student Affairs/Dean of Students and the Director of University Public Safety.

If granted permission to utilize a campus building for a peaceful demonstration, demonstrators may not enter or occupy rooms or offices; obstruct entry, exit, or restrict the free movement of persons; block hallways, doorways, stairs or exits of University facilities; materially interrupt or interfere with University business functions; or remain in buildings after close of normal hours of operation. Demonstrators are NEVER permitted to enter residence halls, private offices, spaces where classes are being held or immediately scheduled to be held, libraries, or facilities that contain research materials, private collections, and/or sensitive materials.

## **XIV. STUDENTS WITH DISABILITIES**

### **a. REGISTRATION**

Students with documented disabilities who seek accommodations at Western New England University will need to register with Student Accessibility Services. <https://www1.wne.edu/student-accessibility-services/index.cfm>

### **b. SERVICE ANIMAL POLICY**

Western New England University recognizes the importance of "Service Animals" as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of "Emotional Support Animals" (ESAs) under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities.

The University is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full-participation and equal access to the University's programs and activities. The University is also committed to allowing Emotional Support Animals, necessary to provide individuals with disabilities, an equal opportunity to use and enjoy University housing.

Service Animals are permitted provided that their behavior, noise, odor and waste do not exceed reasonable standards for a well-behaved animal and that these factors do not create an unreasonable living environment or frequent disruption of students and faculty.

In accordance with Massachusetts' Law, a Service Animal is any dog or other animal that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. If any noise from the service animal is excessive, as judged by the University's Residence Life staff, it is grounds to request adjustments, removal, or replacement of the Service Animal.

# University Policies

## **c. EMOTIONAL SUPPORT ANIMAL POLICY**

Although it is the policy of Western New England University that individuals are generally prohibited from having animals of any type in University housing, the institution will consider a request by a student with a disability for reasonable accommodation to allow an ESA that is necessary because of a disability, if this request is reasonable. However, no ESA may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation.

An Emotional Support Animal (ESA) is a category of animals that provide necessary emotional support to individuals with a mental or psychiatric disability and is selected to play an integral part of a person's treatment process. The ESA must demonstrate excellent temperament and reliable, predictable behavior. An ESA must be prescribed to an individual with a disability by a physician or mental health professional. An ESA is not a Service Animal.

ESAs are permitted provided that their behavior, noise, odor, and waste do not exceed reasonable standards for a well-behaved animal and that these factors do not create an unreasonable living environment or disruptions for other residents. If the noise (crying, barking or meowing, especially when the student isn't around) is excessive, as judged by residence life staff, it is grounds to terminate that specific ESA.

The question in determining if an Emotional Support Animal will be allowed in University housing is whether or not the ESA is necessary because of the individual's disability to afford the individual an equal opportunity to use and enjoy University housing and its presence in University housing is reasonable. However, even if the individual with a disability establishes necessity for an ESA and it is allowed in University housing, an ESA is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

## **I. INTRODUCTION**

The University provides equal access and participation in all University activities without regard to sex. Sexual harassment is a form of discrimination on the basis of sex and prohibited under Title IX of the Higher Education Amendments of 1972. If this conduct occurs off campus, it may fall under the purview of Title IX and Title VII and the University reserves the right to act on incidents occurring off campus. Title IX applies to persons in the United States with respect to educational programs or activities that receive federal funding. The University must respond when sexual harassment occurs in the University's educational programs, against a person while in the United States.

In addition to the above-mentioned regulations, the University also complies with the Violence Against Women Reauthorization Act of 2013 (VAWA) The Clery Act, and The Campus SaVE Act.

This University policy may apply to any individual who participates in the University community as a student, faculty, staff, visitor, minor, or any other persons having dealings with the institution. This policy may apply to allegations of sexual harassment that occur on-campus, off-campus, or online.

The Assistant Vice President/Director of Human Resources serves as the EEO Officer and ADA 504 Coordinator and oversees the University's compliance efforts with discrimination and equal opportunity.

The General Counsel serves as the Title IX Coordinator and oversees the University's compliance efforts with sexual harassment.

Because the University takes allegations of sexual harassment very seriously, the University will respond promptly to complaints of sexual harassment and will take appropriate action where it is determined that such inappropriate conduct has occurred. Furthermore, the University will act promptly to eliminate the conduct and impose such corrective action and sanctions as necessary. Any act of discrimination, bias, or harassment, that does not fall under Title IX and involve students will be adjudicated through the Student Code of Conduct. Any acts of discrimination, harassment or bias that do not fall under Title IX will be resolved under the Discrimination/Harassment/Bias Policy.

### **Internal inquiries or reports about violations of this policy may be made to:**

#### **Title IX Coordinator**

Cheryl Smith  
General Counsel and Title IX Coordinator  
Deliso Hall, Room 102  
(413) 782-1542  
csmith@wne.edu

#### **ADA/504 Coordinator, Equal Employment Opportunity Officer**

Joanne Ollson  
Assistant Vice President and Director of Human Resources  
Rivers Hall, Room 104  
(413) 782-1343  
joanne.ollson@wne.edu

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

## **Deputy Title IX Coordinator**

Sean Burke

Assistant Director, Career Development Center

St. Germain Campus Center, Room 235C

(413) 782-1564

sean.burke@wne.edu

## **Deputy Title IX Coordinator**

Lori Mayhew-Wood

Associate Director of Athletics/SWA/Director of Equipment Management

Alumni Healthful Living Center, Room 105B

(413) 796-2230

lori.mayhew@wne.edu

## **University Title IX Educator**

Beth Hill

Director of Community Standards and Education

St. Germain Campus Center, Room 226

(413) 782-1282

bhill@wne.edu

## **Inquiries may be made externally to Office for Civil Rights (OCR)**

### **US Department of Education**

400 Maryland Ave SW

Washington, DC 20202-1100

Customer Service Hotline # (800) 421-3481

Facsimile (202) 453-6012

TDD# (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

### **Boston Office-EEOC**

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

Phone: 1-800-669-4000

Fax: 617-565-3196

Complaints can be filed Monday through Friday, from 8:30am to 3:00 pm.

### **Massachusetts Commission Against Discrimination (MCAD)**

436 Dwight Street, Room 222

Springfield, MA 01103

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

## II. ACCOMMODATION OF DISABILITIES

The University is committed to full compliance with the American with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against qualified persons with disabilities.

The Assistant Vice President and Director Human Resources has been designated as the ADA/504 Coordinator for the University, responsible for coordinating efforts to comply with all disability laws.

Employees requesting reasonable accommodation should complete the ADA Accommodation Request Form found on the Human Resources web page at: [http://www1.wne.edu/human-resources/doc/BenefitsInfoForms/Disability-LOA/ADA\\_Accommodations.pdf](http://www1.wne.edu/human-resources/doc/BenefitsInfoForms/Disability-LOA/ADA_Accommodations.pdf)

Students requesting accommodation should contact the Office of Student Accessibility Services located in Herman Hall, Room 105.

## III. PROHIBITED CONDUCT

The prohibited conduct as outlined in this section applies to students, faculty, staff, administration, minors, or visitors that occur on-campus, off-campus, or online.

### A. Sexual Harassment

In compliance with the Title IX regulations, released on May 19, 2020, the University defines sexual harassment as: 1) any instance of quid pro quo harassment or "this for that" harassment, 2) any unwelcome conduct that a reasonable person would find so severe and pervasive, and objectively offensive that it denies a person equal educational access, or 3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined below.

### B. Sexual Assault

Sexual Assault means an offense classified as forcible or non-forcible sexual offense under the uniform crime reporting system of the Federal Bureau of Investigation. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances when the victim is incapable of giving consent. For the purposes of this definition, consent means voluntary, affirmative agreement between participants to engage in specific sexual activity.

**Rape:** Penetration, no matter how slight, of the vagina or anus, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of all persons.

**Fondling:** Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental capacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the age of consent.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

## **C. Dating Violence**

As defined by the Violence Against Women Act ("VAWA"), dating violence is, "violence and abuse committed by a person to exert power and control over a current or former dating partner. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions, and can include physical abuse, physiological and emotional abuse, and sexual abuse. It can also include electronic abuse, which is the use of technology, such as smartphones, the internet, or social media, to intimidate, harass, threaten, or isolate a victim."

## **D. Domestic Violence**

As defined by VAWA, domestic violence is, "a pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. Domestic violence can be physical, sexual, emotional, economic actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone."

## **E. Stalking**

As defined by VAWA, stalking is, "a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is dangerous and can often cause severe and long-lasting emotional and psychological harm to victims. Stalking often escalates over time and can lead to domestic violence, sexual assault, and even homicide. Stalking can include frightening communications, direct or indirect threats, and harassing a victim through the internet."

## **F. Serial Sexual Misconduct**

Serial Sexual Misconduct means any actual or alleged illegal or otherwise wrongful sexual conduct with more than one victim and committed by an employee, student, volunteer, visitor, contractor, and/or vendor of the University.

## **G. Child Molestation**

Child Molestation means any actual or alleged illegal or otherwise wrongful sexual conduct with a minor.

## **IV. REPORTING**

Any person may report instances of the prohibited conduct as outlined above, regardless of whether the reporting person is the victim of such conduct. Reports can be made in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator. Reports can be made at any time, including during non-business hours, by using the telephone number, e-mail address or by mail to the office address, listed for the Title IX Coordinator.

There are three federal laws that establish responsibilities for employees of universities to report certain types of crimes and incidents, especially sexual misconduct: the Clery Act, Title IX of the Higher Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964. Each of these areas of federal law has a different purpose, but generally the laws are intended to protect members of the campus community, visitors, and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term "responsible employees." Responsible Employees must report alleged acts of sexual harassment to the Title IX Coordinator or Deputy Title IX Coordinators.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

## **A. Responsible Employees**

The University has defined all employees, both faculty and staff, as responsible employees (except for health care professionals and any other individuals who are statutorily prohibited from reporting). When an employee becomes aware of an alleged act of sexual harassment, sexual misconduct, sexual assault, domestic violence, dating violence, or stalking, the employee must promptly contact the Title IX Coordinator or one of the Deputy Coordinators. The Coordinator or Deputy will use the Complaint Reporting Form (see Attachment) when gathering the initial information. If the Complainant does not want to meet with the Title IX Coordinator or Deputy Coordinator, the employee receiving the complaint should print the form and complete it with the Complainant. The printed form should be hand delivered to the Title IX Coordinator and not sent electronically or through regular campus mail.

## **B. Reporting Officers**

The University has also designated the following individuals as "Reporting Officers":

- President
- Provost
- Vice President of Finance and Administration
- General Counsel
- Vice President of Student Affairs and Dean of Students
- Title IX Coordinator
- Athletic Director
- Director of Health Services
- Director of Counseling Services
- Vice President and Director of Human Resources

Reporting Officers, who have actual knowledge or reasonable suspicion that an act of sexual harassment, sexual assault, domestic violence, dating violence, serial sexual misconduct, child molestation, or stalking has occurred, is expected to report such incidents to the Title IX Coordinator immediately.

## **C. Confidentiality of Reports**

The University keeps the identities of anyone making a report or complaint of sexual harassment, the parties, and any witnesses confidential, except as permitted by Family Educational Rights and Privacy Act (FERPA) or required by law. Any responsible employee and reporting officer should inform the Complainant that the University will maintain the privacy of the information to the greatest extent practicable. The responsible employee or reporting officer must report the allegation to the Title IX Coordinator or Deputy Title IX Coordinators.

All Complainants should be given a copy of the Harassment, Discrimination and Retaliation Reporting Pamphlet and the Emergency Information and Resources document. These resources are located on the Title IX webpage (<https://www1.wne.edu/title-ix/resources.cfm>).

The University will respect the privacy of the identities of all parties and protect their identities to the fullest extent practicable under the circumstances. The names of the parties will be exchanged between the Complainant and Respondent, and if necessary, witnesses.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

## **D. Reporting Serial Sexual Misconduct by University Employees or Volunteers**

Any University employee or volunteer that has actual knowledge or reasonable suspicion of alleged serial sexual misconduct must promptly contact the Title IX Coordinator or one of the Deputy Title IX Coordinators. Any employee who fails to contact the Title IX Coordinator or Deputy Coordinators may face discipline up to and including termination.

## **E. Reporting Sexual Abuse of Minors by any University Affiliated Individual**

Sexual abuse of minors is strictly prohibited by anyone who is affiliated with the University. This includes, but is not limited to, University employees, students, volunteers, or visitors. This policy prohibits the sexual abuse of minors for both on-campus activities and University-sponsored off-campus activities.

A University employee or volunteer who has actual knowledge or reasonable suspicion of alleged sexual abuse of a minor must promptly contact the Title IX Coordinator or one of the Deputy Title IX Coordinators. Any employee who fails to contact the Title IX Coordinator or Deputy Title IX Coordinators may face discipline up to and including termination.

Any report of sexual abuse of minors will be investigated subject to this policy. In addition, the University will comply with all state mandated reporting law relating to minors. University employees and volunteers are required to directly report actual knowledge of sexual abuse of minors to the Massachusetts Department of Children and Families. For more information regarding the Massachusetts Department of Children and Families reporting requirements for child abuse, visit <https://www.mass.gov/how-to/report-child-abuse-or-neglect>.

## **F. Reporting Sexual Abuse of Students by University Faculty/Staff/Volunteer**

Any actual knowledge or reasonable suspicion of sexual abuse of a student by a member of the University faculty, staff, or volunteer must be reported to the Title IX Coordinator or Deputy Title IX Coordinators. The University investigates every report of suspected sexual abuse of a student by faculty, staff, and volunteers affiliated with the University.

## **G. Reporting Sexual Abuse of Students or Minors by Medical Staff**

This policy also applies to all medical staff affiliated with the University, including but not limited to, health services staff, athletic trainers, and visiting medical professionals.

Any University employee or volunteer who has actual knowledge or reasonable suspicion of sexual abuse of a student or minor by a member of the University affiliated medical staff must report to the Title IX Coordinator or Deputy Title IX Coordinators. Any employee who fails to contact the Title IX Coordinator or Deputy Title IX Coordinators may face discipline up to and including termination.

## **V. OVERVIEW OF SEXUAL HARASSMENT/TITLE IX PROCESS**

### **A. Definitions**

*Complainant:* an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

*Respondent:* an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

*Intake Interview:* The initial meeting between the Title IX Coordinator and the Complainant after the University receives a report of alleged sexual harassment.

*Formal Complaint:* A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or discrimination against a Respondent with the expectation that the University will evaluate the allegation.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

**Document Filed by a Complainant:** A document or electronic submission (such as by e-mail or through an online portal provide for this purpose by the school) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

**Supportive Measures:** individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, or deter sexual harassment or discrimination.

**Actual Knowledge:** Notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has the authority to institute sanctions on behalf of the recipient.

**Advisor:** a friend, faculty member, family member or legal counsel that assists the Complainant or Respondent throughout the Sexual Harassment/Title IX Grievance Process. Parties are required to have an Advisor. The University will appoint an Advisor for a party who does not voluntarily choose one.

**Investigator:** a trained individual in the University community who interviews all parties and witnesses, compiles statements, verifies statements, gathers documentation, reviews evidence, conducts research, and drafts an investigative report to submit to the Title IX Coordinator.

**Administrative Educational Conduct Review:** the process for determining responsibility for allegations of sexual harassment when such allegations cannot be informally resolved.

**Procedural Facilitator:** a non-voting member of the Administrative Educational Conduct Review Process, who ensures compliance with the University's Sexual Harassment/Title IX Grievance process and relevant laws.

**Administrative Educational Conduct Review Officers:** the two voting members of the Conduct Review process who determine responsibility. Review Officers pose questions to the parties and witnesses.

## **B. General Requirements**

- The University will objectively evaluate all relevant information and evidence and will avoid credibility determinations based on a person's status as a Complainant, Respondent, or witness.
- The University will conduct the investigation with the presumption that the Respondent is not responsible for the alleged conduct until a determination of responsibility can be made at the conclusion of the process.
- The University Title IX personnel will be free from conflicts of interest or bias for or against Complainants and Respondents.
- The University Title IX Coordinator and Investigators will not play a role in the determination of responsibility.
- The University Title IX personnel are trained on what constitutes sexual harassment, how to conduct investigations, Administrative Educational Conduct Reviews, appeals, and resolution processes.
- The University Title IX personnel are trained on how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- The University will determine responsibility by a preponderance of the evidence (a more likely than not) standard.
- When the University has actual knowledge of sexual harassment, it will respond in a way that is not deliberately indifferent, or clearly unreasonable in light of the circumstances.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

## **C. Rights of Complainant and Respondent**

1. The right to be treated with respect by University officials.
2. The right to be notified of available counseling, mental health or other services, both on and off campus.
3. The right not to be discouraged by University officials from reporting an assault to both on campus and off campus authorities.
4. The right to be free from retaliation.
5. The right to an Advisor during the process.
6. The right to be informed in advance, when possible, of any public release of the information regarding the complaint.
7. The right to written notice of the outcome and sanction of the Administrative Educational Conduct Review.
8. The right to a fundamentally fair resolution as defined in these procedures.
9. The right to an outcome based solely on the evidence presented during the process.

## **D. Filing a Formal Complaint**

When the Title IX Coordinator receives the report, they will promptly contact the Complainant for an intake interview. In the intake interview, the Title IX Coordinator will discuss the availability of supportive measures at the University and the process for filing a Formal Complaint. The Title IX Coordinator will offer supportive measures, regardless of whether or not the Complainant wishes to file a Formal Complaint. The University will not impose any disciplinary sanctions against the Respondent until a determination of responsibility can be made at the conclusion of the grievance process.

Upon the filing of a Formal Complaint by the Complainant, the Title IX Coordinator, in consultation with the Deputy Title IX Coordinators, will assess the complaint to determine if the alleged conduct by the Respondent meets the definition of sexual harassment.

The Title IX Coordinator, in their discretion, can file a Formal Complaint on behalf of the University if the Complainant is reluctant or unwilling to file a Formal Complaint and/or participate in the process. This decision will be used in circumstances where the gravity of the allegations present a significant risk to the University community. If the Complainant is under the age of 18, their parents or legal guardian may file a Formal Complaint on their behalf.

If the Formal Complaint does NOT meet the definition of sexual harassment, then the Title IX Coordinator will dismiss the Formal Complaint for the purposes of Title IX. However, this does not preclude the University from addressing the allegations in the Student Code of Conduct or relevant employee disciplinary proceedings.

If the Title IX Coordinator, in consultation with the Deputy Title IX Coordinators, believes that the Formal Complaint does meet the definition for sexual harassment for cases involving students, the Title IX Coordinator will forward the Formal Complaint to the Vice President for Student Affairs/Dean of Students for assignment to an Investigator. At any point, the Title IX Coordinator may permit an informal resolution if both parties voluntarily consent to an informal resolution process in writing (see section VII. Informal Resolution for more information). Prior to offering the informal resolution, the Title IX Coordinator will consult with the Vice President for Student Affairs/Dean of Students.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

If the Title IX Coordinator, in consultation with the Deputy Title IX Coordinators, believes that the Formal Complaint does meet the definition for sexual harassment for cases involving employees, the Title IX Coordinator will forward the Formal Complaint to the Assistant Vice President and Director of Human Resources for assignment to an Investigator. At this point, the Title IX Coordinator may permit an informal resolution if both parties voluntarily consent to any informal resolution process in writing (see section VII. Informal Resolution for more information). Prior to offering the informal resolution, the Title IX Coordinator will consult with the Vice President and Director of Human Resources.

The University cannot offer informal resolution in cases involving allegations that an employee sexually harassed a student.

## **E. Written Notice of Allegations**

The Title IX Coordinator will provide a timely written notice of the allegations to the parties, along with a description of the Sexual Harassment/Title IX Grievance Process, prior to their preliminary interviews with either party. The written notice should include:

- The identity of the parties (if known)
- The conduct alleged to be sexual harassment
- The alleged conduct's date and location
- A statement that the Respondent is presumed not responsible until a determination is made at the end of the Sexual Harassment/Title IX Grievance Process.
- A statement informing parties that they are entitled to an Advisor of their choice. However, if a party does not identify an Advisor within 5 business days of the allegation letter, the University will assign one to them.
- A statement informing the parties that any false statements made in a Sexual Harassment/Title IX proceeding will be adjudicated through the Student Code of Conduct or employee disciplinary process.
- An inquiry as to whether the parties will require any accommodations.
- If any additional allegations are later made, an updated written notice of allegations must be provided to the parties.

## **F. Advisors**

Parties are permitted to select an Advisor. Parties may select an attorney as an Advisor, although they are not required to. Each party is limited to only one Advisor. No witnesses are permitted to be an Advisor. In order to schedule any investigative interviews or meetings, the University must send written correspondence to the party and their Advisor.

If a student/employee who is party to a Sexual Harassment/Title IX Investigation has legal counsel as an Advisor, all communications as to process and procedures relevant to the University's process will be communicated directly to the party's legal counsel by the Office of the General Counsel of the University.

If the Complainant or Respondent does not have an Advisor within five (5) business days after the written notice of allegations, the University will provide, without fee or charge to that party, an Advisor of the University's choice, who may be, but is not required to be, an attorney on behalf of that party.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

## **G. Supportive Measures**

Upon the filing of a Formal Complaint, the University reserves the right to implement equitable supportive measures for the health and safety of the Complainant and the Respondent, and the University community, so long as the measures are not punitive, disciplinary, or overly burdensome on one party. Supportive measures will be equitably implemented on a case by case basis.

The University reserves its right to temporarily remove a Respondent from campus prior to the conclusion of the Sexual Harassment/Title IX Grievance Process if the University reasonably believes that the Respondent presents a threat to the University community.

## **H. Range of Sanctions for Students**

***Dismissal from the University:*** Dismissal is permanent removal from University programs, facilities, and property without the privilege of re-admission or access. This sanction will be recorded in the student's file and on the student's transcript. Notations on the transcript will be for a minimum length of time, to be designated by the Review Officers at the time the sanctions are imposed. Once disciplinary action against a student has been initiated, including the appeal process, a hold will be placed on any requests for transcripts.

***Suspension from the University:*** Suspension from the University is a sanction for a stated period of time or until specific conditions have been met. During the period of suspension, the student is not permitted access to University property, facilities, or programs. Suspension is noted in the student's file and on the student's transcript during the term of suspension. If suspension occurs during a semester in progress, University practice mandates that all courses become administrative withdrawals.

***Removal from University Housing:*** This sanction entails forfeiture of student housing privileges for a stated period of time, including visitation restrictions to any residence area owned or operated by the University. If loss of residency occurs during a semester, the balance of the room and board fee is non-refundable and non-transferable.

***Disciplinary Probation:*** Disciplinary probation may be assigned for a stated period of time during which a student's ability to participate in co-curricular or University sponsored activities, the use of facilities, or to benefit from other University privileges may be limited or removed. During the probationary period, any violation by the student may be grounds for removal from University housing or suspension or dismissal from the University.

***Removal from University Sponsored Travel or Travel Booked through the University:*** This sanction involves the forfeiture of traveling privileges for a stated period of time or for a specific trip sponsored by or booked through the University. All students must be in good standing with the University to be eligible to participate in these initiatives. Examples of University sponsored travel include, but are not limited to: international study abroad programs, alternative spring break trips, and extended trips by athletic teams of the University. Any deposit paid by a student for University sponsored travel will be nonrefundable should the student be removed from the trip due to academic, disciplinary, or other reasons prior to departure.

***Campus Restrictions and/or Modifications:*** Re-assignments to housing or restrictions from varied residential areas may be imposed as part of sanction.

***Fines or Restitution:*** This sanction entails reimbursement to the University or a third party for damage done to a person or property and/or accountability for specific acts of misconduct.

***Censure:*** Censure may be assigned for a stated period of time. It is a written statement given to the student for misconduct warranting a stronger reprimand than a simple written warning. Further misconduct of a related or similar nature may warrant probationary status.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

**Warning:** This is an oral or written statement to the student that they have violated the Student Code of Conduct. A warning may be taken into account in judging the seriousness or determining sanctions for future violations.

**Educational Sanctions:** Educational sanctions are intended to promote student learning as a result of misconduct and may include counseling referrals, a formal apology, and assignments to educational programs, a research or self-reflection paper or any other type of similar action. A failure to fulfill educational sanctions in a satisfactory manner may be cause for further accountability.

- \* The University reserves the right to put the status of any sanction in abeyance. This means the sanction is put on hold. Any further misconduct may result in immediate implementation of the without right to an appeal.

## **I. Range of Sanctions for Employees**

**Dismissal:** Permanent removal from employment and University programs, facilities, and property.

**Suspension (with or without pay):** A separation from the University for a stated period of time or until certain conditions are met.

**Probation:** a stated period of time within which the Respondent's rights to participate in University-sponsored activities and/or access to facilities may be limited or removed

Referral to Counseling or Training

Transfer or Change in Department or Teaching Duties

Warning

Written Apology

H. Time Frame

Barring unforeseen circumstances, and with allowance for short-term, good cause delays or extensions of the time frame, the University is committed to resolving the Sexual Harassment/Title IX Grievance Process within approximately 100 business days of the filing of the Formal Complaint.

## **VI. INFORMAL RESOLUTION**

Informal resolution is available to parties following the filling of a Formal Complaint any time up to an Administrative Educational Conduct Review, so long as both parties have been provided written notice of the allegations. Some claims of sexual harassment may be resolved informally, so long as the parties give voluntary, informed, written consent to attempt informal resolution. Some examples of informal resolutions include:

- Mediation between the Complainant and Respondent; and
- Attending educational programs for groups or individuals.

The purpose of informal resolution is to implement an appropriate solution acceptable to all parties concerned. The person conducting the informal resolution will work with the Complainant and Respondent to reach an informal resolution. If the Respondent is a faculty member, the Dean of the respective School or College will participate in the resolution process. At the conclusion of the informal process, a memorandum of understanding will be signed by both parties.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

In the event that the informal process does not achieve resolution of the issue, an Administrative Educational Conduct Review will be implemented. Further, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Sexual Harassment/Title IX Grievance Process.

The University cannot offer informal resolution in cases involving allegations that an employee sexually harassed a student.

## **VII. INVESTIGATION**

### **A. Overview of Investigation**

An Investigator will interview all parties and witnesses, compile statements, verify statements, gather documentation, review evidence, conduct research, and draft a report to submit to the Title IX Coordinator.

The burden of gathering evidence and the burden of proof remains solely on the University. Neither the Complainant nor Respondent are responsible to produce evidence, unless they do so voluntarily. The University will provide equal opportunity for the parties to present facts, expert witnesses, witnesses, and other information and evidence. The University will not restrict either party from gathering evidence nor discussing the allegations. The University is not permitted to access or use medical, psychological, or treatment records, unless provided by one of the parties with their written consent.

### **B. Conclusion of Investigation**

At conclusion of the investigation, the Investigator will author an investigative report that fairly summarizes all evidence that was gathered. The University will send the investigative report, along with all evidence gathered related to the allegations, in written or electronic format, to the parties and their Advisors. At this point, the parties and their Advisors will have 10 business days to inspect, review, and respond to the investigative report and evidence before the investigative report and evidence is finalized. Responses should be directed to the Investigator.

The finalized investigative report and all evidence will be presented to the Title IX Coordinator at the conclusion of the investigation. The Title IX Coordinator, in consultation with the Deputy Title IX Coordinators, will review the investigative report and all evidence. If the evidence shows that the alleged conduct does not meet the definition of sexual harassment or discrimination, the University must dismiss the matter for the purposes of Title IX. The parties will have 10 business days to review the final investigative report and evidence submitted to the Title IX Coordinator. However, it does not preclude the University from addressing the allegations in the Student Code of Conduct or Faculty/Staff Disciplinary Policy.

Alternatively, the University may dismiss the Formal Complaint if the Complainant informs the Title IX Coordinator in a signed writing that they desire to withdraw their complaint or allegations. However, the University reserves its right to proceed with the Sexual Harassment/Title IX Grievance process in the event that the Complainant withdraws their complaint.

If the Title IX allegations are dismissed by the Title IX Coordinator, the University will issue a written notice of dismissal to the parties that outlines the reasons for dismissal.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

After reviewing the investigative report and evidence, if the Title IX Coordinator, in consultation with the Deputy Title IX Coordinators, believes that the definition for sexual harassment or discrimination is met, they will forward the determination to the Vice President for Student Affairs/Dean of Students for cases involving students or to the Assistant Vice President and Director of Human Resources for cases involving employees for Formal Resolution. The finalized investigative report and evidence will be sent to the parties and their Advisors at least ten days before the Administrative Educational Conduct Review.

## **VIII. SEXUAL HARASSMENT/TITLE IX GRIEVANCE PROCESS**

### **A. Initiation of the Administrative Educational Conduct Review**

After reviewing the investigative report and evidence and determining the alleged conduct meets the definition of sexual harassment, the Title IX Coordinator may forward the matter for an Administrative Educational Conduct Review. For cases involving students, the Title IX Coordinator will forward the case to the Vice President for Student Affairs/Dean of Students. For cases involving employees, the Title IX Coordinator will forward the matter to the Assistant Vice President and Director of Human Resources for an Administrative Educational Conduct Review.

The Title IX Coordinator, or their designee, creates three identical packets of case materials and delivers them to the Vice President for Student Affairs/Dean of Students for cases involving students or Assistant Vice President and Director of Human Resources for cases involving employees, or their designee. Then, the Vice President for Student Affairs/Dean of Students, the Assistant Vice President and Director of Human Resources, or their designee, assigns Administrative Educational Conduct Review Officers and distributes case materials:

- One case material packet for each of the Administrative Educational Conduct Review Officers
- One case material packet for Procedural Facilitator

Administrative Educational Conduct Reviews are conducted by two (2) Administrative Educational Conduct Review Officers.

Administrative Educational Conduct Reviews are audio recorded.

The Administrative Educational Conduct Review Officers will consider relevant written reports, as well as verbal and/or written statement by the Complainant, Respondent, and witnesses. Decisions regarding responsibility will be based on a preponderance of the evidence (a more likely than not) standard that a Sexual/Harassment/Title IX or other University policy violation(s) occurred.

### **B. Rights to Parties**

Prior to an Administrative Educational Conduct Review, the Complainant and Respondent are entitled to:

1. A Pre-Review informational meeting with the Procedural Facilitator, during which:
  - a. any written, audio and/or video evidence about the alleged misconduct will be reviewed and explained;
  - b. a written outline of the Administrative Educational Conduct Process is provided and discussed;
  - c. a written statement identifying the section of the Sexual Harassment/Title IX policy that was allegedly violated and the range of sanction(s) that may apply.
2. The Complainant(s) and Respondent(s) will receive written notice a minimum of two (2) business days in advance of the Administrative Educational Conduct Review, unless circumstances warrant otherwise. Circumstances are determined at the discretion of the Administrative Educational Conduct Review Officers. This written notice shall include:

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

- a. the name(s) of person(s) asked to attend the Administrative Educational Conduct Review by the University;
- b. the date, time and location of the Administrative Educational Conduct Review; and
- c. the specific charge(s) relating to the alleged misconduct.

3. If the Complainant(s) and/or Respondent(s) does not appear for a scheduled meeting (and does not contact the Procedural Facilitator within 24 hours to reschedule) or does not provide an accurate postal mail address, valid email address and/or current phone number to convey information to them after the meeting, the University will proceed with the Administrative Educational Conduct Review.

4. Complainant(s) and Respondent(s) are responsible for:

- Cooperating with University officials during the Administrative Educational Conduct Review process;
- Notifying the University of any change in residence or address, including phone number and email address to contact them;
- Reviewing all case materials and obtain clarification in advance, if necessary;
- Attending scheduled meetings and the Administrative Educational Conduct Review on time;
- Providing, in accordance with University procedures, a list of witnesses and Advisor requested to attend a review within 72 hours of the pre-review. A witness may be a parent, legal guardian or non-University affiliated individual; however, they must have first-hand information pertaining to this matter or be an expert witness in related subject matter;
- Providing or presenting, if they so choose, a written statement at the time of the Administrative Educational Conduct Review.

The Complainant(s) and Respondent(s) failure to appear for an Administrative Educational Conduct Review will result in a decision being rendered on the basis of reports and witnesses in attendance, thereby forfeiting their right to seek further review of any and all decisions made during the Administrative Educational Conduct Review Process.

5. Right to an Advisor:

- Each party is required to have an Advisor. An Advisor may be a friend, faculty member, family member or legal counsel. The Advisor cannot be a witness.
- Advisors are permitted to attend all parts of the process. The Administrative Conduct Review Officers, at their discretion, may seek out clarification or information from the Advisor.
- The Complainant(s) and Respondent(s) must submit the name of the Advisor within five (5) business days after the written notice of allegations.
- If the Complainant or Respondent does not have an Advisor within five (5) business days after the written notice of allegations, the University will provide, without fee or charge to that party, an Advisor of the University's choice, who may be, but is not required to be, an attorney on behalf of that party.

6. Right to a Live Administrative Educational Conduct Review

Administrative Educational Conduct Review will be conducted live and audio recorded. At the request of either party, the University must be able to facilitate the entire Administrative Educational Conduct Review to occur with the parties in separate rooms with technology enabling the parties to see and hear one another.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

## C. Administrative Educational Conduct Review Procedures

Prior to the Administrative Educational Conduct Review:

- The Procedural Facilitator, creates a letter to both parties outlining:
- the date/time/location of the Administrative Educational Conduct Review;
- Administrative Educational Conduct Review Officers' names;
- alleged violation(s);
- the witnesses for the University, Complainant and Respondent; and
- Advisors for the Complainant and Respondent.

This letter will be emailed directly to the Complainant and Respondent.

The Procedural Facilitator contacts the witnesses of the University to inform them of the date, time and location of the Administrative Educational Conduct Review.

The witnesses are brought into the waiting room, whereby the expectations are set forth, in writing, for their role.

Both Complainant and Respondent and their Advisors are present throughout the Administrative Educational Conduct Review.

Each Advisor is given an outline regarding their role in the Administrative Educational Conduct Review.

If the Advisor is a practicing attorney, the General Counsel will contact them and review the Administrative Educational Conduct Review Process. A copy of the process with attorney expectations is also shared.

During the Administrative Educational Conduct Review:

- The alleged violations are summarized and presented to the parties, witnesses, Advisors, and Administrative Educational Conduct Review Officers by the Procedural Facilitator. Then, the Administrative Educational Conduct Review Officers present the role of the Advisor and other expectations of Administrative Educational Conduct Review to the Complainant, Respondent, and Advisors.
- At any point during the Administrative Educational Conduct Review, Administrative Educational Conduct Review Officers can direct questions to parties and witnesses to seek clarification or relevant information.
- The Complainant and Respondent provide, verbally and in writing, an opening statement.
- The Procedural Facilitator invites witnesses individually to verbally share their information.
- Each party's Advisor will have opportunity to ask the other party and any witnesses relevant questions and follow-up questions, including questions challenging credibility of the other party or any witness. Cross-examinations must be conducted orally by the party's Advisor. The Advisors only have the ability to cross-examine witnesses and parties. Parties do not have the ability to cross-examine the other party or witnesses, but can present questions through their Advisor.
- Only relevant cross-examination or other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a question asked by the other party's Advisor, the Procedural Facilitator will determine whether the question is relevant. If the Procedural Facilitator deems the question not to be relevant, they must explain to the party's Advisor asking the question why it is not relevant. For example, questions and evidence regarding a party or witnesses' prior sexual behavior or history is irrelevant, unless offered to prove that someone other than the Respondent committed the alleged misconduct or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. **Rules of evidence used in courts of law are not used in this process.**

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

- Upon completion of the witness testimony and all information pertinent to the situation, the Administrative Educational Conduct Review Officers will indicate if a witness needs to be recalled for further questioning.
- If no further questioning is needed, the Complainant and Respondent provide a closing statement verbally and/or in writing.
- At the conclusion of the Administrative Educational Conduct Review, Administrative Educational Conduct Review Officers adjourn the Administrative Educational Conduct Review and dismiss the witnesses, the parties, and their Advisors. The Administrative Educational Conduct Review Officers will meet in closed session to deliberate, with or without the Procedural Facilitator. The Complainant and Respondent and Advisors are not permitted to hear the Administrative Educational Conduct Review Officers' deliberations.

## **D. Notice of Decision**

The Administrative Educational Conduct Review Officers will notify the Complainant and Respondent, in writing of the decision (and sanctions, if any) within five (5) business days of the date of the Administrative Educational Conduct Review.

The Administrative Educational Conduct Review Officers will issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the Respondent, and any remedies to the Complainant. The written determination must be sent electronically to the parties and their Advisors along with information about how to file an appeal.

## **E. STUDENT APPEAL OF DECISION**

Both parties have the right to appeal a determination of responsibility, or dismissal of a Formal Complaint. Upon receipt of the Administrative Educational Conduct Review Officers' written decision, the Complainant and Respondent shall each have the right to submit a written appeal of the outcome of the Administrative Educational Conduct Review to the Vice President for Student Affairs/Dean of Students, or their designee, within three (3) business days. Complainants and Respondents seeking an appeal must specify the grounds for the request. Complainants and Respondents who fail to file an appropriate written request for an appeal within three (3) business days waive their right to appeal. As this is an Administrative Educational Conduct Review Process, the University strongly encourages the Complainant and Respondent involved to author their own appeals/responses.

### 1. Grounds for Appeal

Appeals will be considered only in one or more of the following circumstances:

1. When the sanction is inconsistent with the gravity of the offense;
2. When new evidence that was not available at the time of the Administrative Educational Conduct Review becomes available within the above referenced three (3) business day period; or
3. When Title IX personnel had a conflict of interest or bias, that materially affected the outcome of the matter; or
4. When there has been a substantial and material procedural error during the Administrative Educational Conduct Review Process.

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

## 2. Initial Appeal Submission

*Complainant Appeal.* If Complainant wishes to appeal, they must submit electronically a written statement *not to exceed 1500 words* specifying how the outcome of their Administrative Educational Conduct Review is grounds for appeal. This must be done within three (3) business days of receiving the Administrative Educational Conduct Review Officers' written decision and is submitted to the Vice President for Student Affairs/Dean of Students, or their designee.

*Respondent Appeal.* If Respondent wishes to appeal, they must submit electronically a written statement *not to exceed 1500 words* specifying how the outcome of their Administrative Educational Conduct Review is grounds for appeal. This must be done within three (3) business days of receiving the Review Officers' written decision and is submitted to the Vice President for Student Affairs/Dean of Students, or their designee.

## 3. Determining if the Appeal has Grounds

The Vice President for Student Affairs/Dean of Students, or their designee, will review the appeal and determine whether or not the appeal is based on valid grounds. Only those appeals that are based on at least one of the four above-stated grounds for appeal will be reviewed on their merit.

## 4. The Right for a Response

*Right of the Complainant.* Once the Respondent has submitted an appeal that the Vice President for Student Affairs/Dean of Students, or their designee, believes has grounds for consideration, the Vice President for Student Affairs/Dean of Students, or their designee, will notify the Complainant of the Respondent's appeal and the grounds for the appeal within three (3) business days. The Complainant is not entitled to view the letter of appeal. The Complainant then has three (3) days to respond electronically to [jsteffes@wne.edu](mailto:jsteffes@wne.edu) with a response letter addressed to the Vice President for Student Affairs/Dean of Students, or designee, *limited to 1,500 words*. Failure to respond within three (3) business days constitutes a waiver of this right.

*Right of the Respondent.* Once the Complainant has submitted an appeal that the Vice President for Student Affairs/Dean of Students, or their designee, believes has grounds for consideration, the Vice President for Student Affairs/Dean of Students, or their designee, will notify the Respondent of the Complainant's appeal and the grounds for the appeal within three (3) business days. The Respondent is not entitled to view the letter of appeal. The Respondent then has three (3) days to respond electronically to [jsteffes@wne.edu](mailto:jsteffes@wne.edu) with a response statement addressed to the Vice President for Student Affairs/Dean of Students, or their designee, *limited to 1,500 words*. Failure to respond within three (3) business days constitutes a waiver of this right.

## 5. Decision of Appeal (students)

Only those appeals and response statements that are received electronically, that meet the 1,500-word count limit, and that arrive within the prescribed deadlines will be considered for review.

Upon receipt of a timely, electronically-submitted, written appeal and response from the parties, the Vice President for Student Affairs/Dean of Students, or their designee, shall review the above-noted appeal. The appeal is not a review of the entire case, instead, the appeal is a focused review of the existing record and is limited to the three grounds for appeal. The Vice President for Student Affairs/Dean of Students, or their designee, shall have the power to:

# SEXUAL HARASSMENT/TITLE IX POLICY AND PROCEDURES

- Affirm the Administrative Educational Conduct Review Officers' decision;
- Reverse the Administrative Educational Conduct Review Officers' decision;
- Modify the sanctions imposed or not imposed; or
- Remand the matter for further investigation and/or consideration by the Administrative Educational Conduct Review Officers (only applicable when there is new evidence, where there is a conflict of interest or bias, and/or there is a substantial and/or material procedural error).

The original decision and sanction will stand if the appeal is not timely, is not transmitted electronically to [jsteffes@wne.edu](mailto:jsteffes@wne.edu), or is not based on the grounds previously enumerated. The Vice President for Student Affairs/Dean of Students, or their designee, will only review and consider the first 1500 words of any submitted appeal or response statement. After reviewing the written appeal and response statement, the Vice President for Student Affairs/Dean of Students, or their designee, will deliver a written decision on the appeal to all parties within a reasonable time frame.

The decision of the Vice President for Student Affairs/Dean of Students, or their designee, will be final and binding.

## **IX. RETALIATION**

The University prohibits any act of retaliation against anyone who participated in a Sexual Harassment/Title IX proceeding. Any complaint of retaliation will be investigated thoroughly. Any allegation of retaliation will be adjudicated through the relevant disciplinary process.

# SELECTED ACADEMIC POLICIES

## **I. ACADEMIC INTEGRITY**

Honesty in all academic work is expected of every student. This means giving one's own answer in all class work, quizzes, and examinations without help from any source not approved by the instructor. Written material is to be the student's original composition. Appropriate credit must be given for outside sources from which ideas, language, or quotations are derived. Students are cautioned that purchasing term papers from any source is a violation of academic honesty.

Students are responsible for University policies and procedures regarding academic integrity. A copy of the policy may be obtained from the offices of the Dean of each College, the Provost, and within the website <https://www1.wne.edu/academic-affairs/demo-course-schedule.cfm>.

## **II. PROCEDURES FOR HANDLING PLAGIARISM ALLEGATIONS**

When a student is alleged to have committed an academic offense, and suspension or dismissal from the University is not an initial consideration, the original hearing body is the Department Chair of the faculty member making the allegation. Any request for review of decisions is made to the academic Dean of the College involved. Except when suspension or dismissal from the University is recommended, the decision of the academic Dean is final and binding. If the Department Chair is the initiator of the allegation, the initial hearing body will be the chair's academic Dean and the Vice President for Academic Affairs.

Typical sanctions are an F grade on the paper, or other work involved, or an F in the course as a whole. The F grade in the course remains in the student's grade point average and cannot be removed by re-taking the course. The student may retake the course, but both grades are counted in the grade point average.

## **III. CLASS ATTENDANCE**

Students are expected to attend all class sessions for courses in which they are enrolled. However, it is the responsibility of the individual instructor to evaluate the importance of attendance in determination of course grades.

Accordingly, at the beginning of each semester, each instructor prepares a written statement setting forth the policy for consideration of absences, makeup examinations, and related matters that will be in effect for that entire semester. The statement of policy on attendance, appropriate to each class, is made available at the first class meeting.

It is especially important for First Year students to establish the discipline of attending all classes and laboratories and to be properly prepared by having done all assigned reading and homework. Students who attend class are much more academically successful in college.

For emergencies, if students are not able to attend class, please inform the Vice President for Student Affairs and Dean of Students at (413) 782-1282.

# SELECTED ACADEMIC POLICIES

## **IV. STUDENT ABSENCE DUE TO RELIGIOUS BELIEF**

The General Laws of Massachusetts, Chapter 151C, Section 2B stipulate: "Any student in an educational or vocational training institution, other than a religious or denominational educational or vocation training institution, who is unable, because of their religious beliefs, to attend classes or to participate in any examination, study, or work requirement on a particular day shall be excused from any such examination or study or work requirement which they may have missed because of such absence on any particular day; provided, however, that such makeup examination or work shall not create an unreasonable burden upon the college. No fees of any kind shall be charged by the institution for making available to the said student such opportunity. No adverse or prejudicial effects shall result to any students who avail themselves of the provisions of this section." Please work with instructor for notification.

## **V. CLASS CANCELLATIONS**

Cancellation of classes because of inclement weather is rare. When classes are cancelled due to extreme weather conditions, this information will be announced on local radio and television stations that broadcast closure information, as well as on the University's website. This information can be heard beginning at 6:30 a.m.

## **VI. MIDYEAR AND FINAL EXAMINATIONS**

Midyear examinations are given at the discretion of the faculty member teaching the course. The normal pattern is that final examinations are given in all courses in accordance with a schedule published by the Academic Schedule Office. In case an instructor decides not to give a final examination, the instructor must inform the College's Dean.

Final examinations must be given on the date and at the time scheduled by the Academic Schedule Office unless other arrangements have been approved by the college's dean and forwarded to the Academic Schedule Office. Under no circumstances are final examinations to be administered during the final week of classes. Further, during the last week of classes, hour examinations are permitted only in those courses where there is a final examination, semester paper, or semester project requirement due the week of final examinations. The chair of each department is responsible for the adherence of the latter policy by all members of the department. In addition, no examinations or quizzes shall be administered the last day of classes (if it falls on Monday) or on the last two scheduled days of classes (if the last day of classes falls on Tuesday or thereafter). This policy does not in any way relieve the student of responsibility for material covered in the last days of classes.

The faculty member in each course in which students are enrolled determines the value and weight of a final examination. All final examinations are given at the end of the semester according to a predetermined schedule. The anticipated schedule is normally published at the beginning of each semester. Students should note the exam schedule when arranging travel plans for departure at the end of the semester.

When preparing the exam schedule, every attempt is made to avoid scheduling more than two exams for each student in any given day. Should this situation occur, however, the Faculty Senate has adopted a policy to assist students in managing the conflict. In the case of a student who is scheduled for three final examinations on one day, the examination in the middle time is expected to be rescheduled at the convenience of both the student and the faculty member. The student must give notice to the faculty member of the middle exam no later than 10 days prior to the start of the examination period for that semester.

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There are two exceptions, however, to the middle exam solution. The first is that if the student can move any of the three examinations to the examination for another section of the same course taught by the same instructor, he or she must make that request of the faculty member if the move does not cause another conflict. The second exception is that if the middle examination is a common examination (multiple sections of the course all taking the same exam), one of the other two remaining exams will be rescheduled by joint agreement between the two faculty members. The student should make the conflict known to both faculty involved. If an agreement cannot be reached, a decision will be jointly made by the Deans of the Colleges in which these two courses are housed.

The final exam schedule is posted on the Academic Schedule Office's website, <https://www1.wne.edu/academic-affairs/academic-scheduling.cfm>

## **VII. REFUNDS**

In the event that academic offerings are moved from on-campus to online at any point during the academic year, there will be no refunds or adjustments for tuition and fees.

## **VIII. SELECTIVE SERVICE REGISTRATION**

All male students who have not served either on active military duty, or are not members of the Reserves and/or National Guard, or are not citizens of specific Federal States or Trust Territories, within 30 days of their eighteenth birthday, must register with the Selective Service.

Furthermore, under Federal Regulations, Sub-part C: Statement of Educational Purpose and Selective Service Registration Status, Sections 668.31, .32, and .33, appropriate registration with Selective Service is necessary before receiving any funds under Title IV, Higher Education Act Programs. Until the student has filed the appropriate statement of educational purpose, he is ineligible to receive such funding, including Perkins Loans, Direct Ford Student Loans, Supplemental Loans, Pell Grants, University Work Study, and similar federal program monies.

Male students can register for Selective Service at [www.sss.gov](http://www.sss.gov).

## **IX. TRANSFER CREDITS AND STUDY AT OTHER INSTITUTIONS**

The Student must obtain a description of the course they wish to take from an appropriate catalog or some other official source, at the other institution. Students must then obtain written approval from their academic Dean.

When Western New England University receives a transcript from a school for courses taken at another institution, credit will be given for courses in which a grade of C- or better is earned and meets the transfer credit policy in the University Catalogue. Credit may not be granted for courses taken at other institutions without approval in advance. The grades received for any courses taken at other institutions will not be computed in determining the cumulative grade point average.

## **X. TRANSCRIPTS**

Transcripts of students' academic records may be requested online in the Enrollment Services area of the Western New England University website.



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