

SECTION III

STUDENT CODE OF CONDUCT AND OTHER POLICIES

(REVISIONS MADE DURING THE ACADEMIC YEAR CAN BE
FOUND AT

[HTTP://WWW1.WNE.EDU/ASSETS/67/FINALHANDBOOK.PDF](http://www1.wne.edu/assets/67/finalhandbook.pdf))

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SECTION ONE: GUIDING PHILOSOPHY

The goals of this Student Code of Conduct and the corresponding review processes are to help students understand and accept their obligations as members of this community and to advance the University’s educational mission by defining and establishing certain norms of behavior. The rules and policy statements that follow serve to clarify commonly accepted standards of conduct by members and prospective members of this University community.

SECTION TWO: STUDENT CODE OF CONDUCT

ARTICLE 1: SENSITIVITY WITHIN A DIVERSE COMMUNITY

In any community, the value placed on the individual member constitutes its commitment to understand and respect diverse traditions, life circumstances, birth origins, and cultural beliefs, thereby celebrating differences among groups and individuals. This commitment further determines how learning is viewed.

Western New England University believes that education should both enable and empower each student to live and work in a global environment with sensitivity to persons who may or may not share the same age, cultural tradition, ethnicity, gender, gender expression, geographic origin, life circumstance, physical or intellectual ability, political orientation, race, religion, sexual orientation, socio-economic station or veteran’s status. Diversity is to be understood in a global context and education should be viewed as a vehicle that encourages pluralistic understanding, honors human dignity, and seeks to protect the integrity and rights of all citizens.

Western New England University seeks to bring together students, staff, and faculty who represent a world-view. It seeks to foster an environment that promotes independent and tolerant thinking and, through its curricular and out of class experiences, brings divergent voices into the learning dialogue. It seeks to build a community defined by global diversity, which is characterized by a safe, positive, and supportive environment.

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. In this context, respect for the worth and dignity of the individual and an appreciation of differences should be such that derogatory or defaming remarks, ethnic slurs, offensive humor, and such other behaviors that cast aspersions on individuals or groups for whatever reason are not acceptable to the University community, and may be subject to action under this Student Code of Conduct.

Bias and Bias-based 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/Sexual Misconduct/Title IX Policy and Procedures, referenced in the Student Code of Conduct and also contained in the student and employee handbooks, which can be found at; <http://assets.wne.edu/45/sexualharassmentdiscriminationbooklet.pdf>. Information is also contained in the student and employee handbooks Adjudication of issues that may be violations of the bias/civility policy may be pursued in accordance with the University’s

Student Code of Conduct and/or the University’s Discrimination/Harassment/Sexual Misconduct/Title IX Policy and Procedures. Based on recommendations of the Bias Response Committee, 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, 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
- Sexual assault or harassment
- Stalking
- Vandalism
- General harassment or coercion
- Behavior that creates an unwelcoming and hostile environment

Bystander Intervention: Assisting & Reporting an Act of Bias

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. If assistance in resolving a situation is needed, Public Safety and/or Residence Life staff should be contacted immediately. If you have experienced or witnessed any act of bias or discrimination 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:

<p>Dr. Jeanne S. Hart-Steffes Vice President for Student Affairs and Dean of Students 413-782-1282 jsteffes@wne.edu</p>	<p>Chief Adam S. Woodrow Office of Public Safety 413-782-1207 awoodrow@wne.edu</p>
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ARTICLE II: STATEMENT OF GENERAL EXPECTATIONS OF STUDENTS

Students and prospective students of Western New England University are expected to conduct themselves in a manner that is consistent with the educational mission of the University. Certain community standards and values are expected of all students. They include, but are not limited to: respect and concern for others, honesty, integrity, and a commitment to intellectual and personal growth. Students are expected to use reasonable judgment in their daily lives both on and off-campus, and to show concern for the wellbeing of others. Basic respect for human dignity, for individual differences, for individual rights and resources, and for the well-being of the community should guide a student’s thinking and behavior. Western New England University recognizes that our community is not limited to our physical campus and includes “online” and “offline” interactions and postings. Students are expected to be honest and forthright in their dealings with University officials, faculty, staff, offices, committees, and each other. Violations of this provision will be considered sanctionable offenses.

As in any community, there are limits on behavior for the ‘common good’ of all its members. One intervention tool utilized by University staff (Public Safety and Residence Life) is a *communication / violation form*, often referred to as a C/V form that documents behavioral concerns. It is intended to help students make more productive choices consistent with the University’s expectations. This form includes matters of mutual respect and consideration, including a variety of safety concerns. It can be a stand-alone document that simply confirms that a situation has occurred as a ‘teachable moment’ for a student or, depending on the circumstances, may require additional follow up through a conduct hearing.

The University fulfills its responsibility to notify students through internal systems of communication: the assigned campus mailbox, campus-assigned e-mail, and/or voice mail. Students are expected to regularly and consistently check their mail. Communication through these formats will be assumed as delivered by the University and therefore received by the student.

ARTICLE III: SPECIFIC STANDARDS OF BEHAVIOR

Certain behaviors by any student, students, or student organizations can violate the Student Code of Conduct. Prohibited behaviors include, but are not limited to:

A. Offenses Against Another Person(s), such as:

- Stalking, threatening or causing physical harm to another person;
- Intentionally or recklessly threatening or causing another person emotional distress;
- Intentionally or recklessly demonstrating abusive behavior toward another person, including, but not limited to, verbal or written statements (including Internet/electronic communications) that constitute a form of expression unprotected by law (e.g., obscenity, fighting words, defamation, etc.);
- Any recording (audio and/or visual) of a person without his or her knowledge or consent; or
- Any actual or threatened non-consensual sexual act or misconduct. Effective consent means that a person is able to make free, informed and reasonable choices and decisions – and is not impaired by intoxication or other drug consumption (be involuntary or otherwise), by disability, or by fear. Sexual Behavior without effective consent can lead to sexual misconduct, and/or sexual harassment. **Consent is effective when it has been clearly communicated. Consent may never occur if a person is unconscious, unaware or otherwise physically helpless.** This includes hazing.

Hazing: 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.

Each Western New England University student organization, at the beginning of each year, and every student at the time of registration, is provided with a copy of 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 practice of hazing, harassment, or activities which may serve to cause embarrassment to prospective members, initiates, or pledges. Any student organization found to be involved in such hazing or harassment of members or prospective members will have its recognition immediately withdrawn and be required to disband. Any participant in hazing will be subject to strong disciplinary action, including immediate dismissal from the University, and will be referred to the appropriate off-campus authorities.

B. Offenses of Possession, such as:

- Possession, use, being in the presence of, and/or distribution of any narcotic, drug, chemical compound, or other controlled substances, except as expressly permitted by law; or
- Possession of drug paraphernalia (pipes, bongs, hookahs, clips, scales), whether used, unused, or decorative. Such items are subject to confiscation.

C. Offenses that Threaten Campus Order, such as:

- Creating any safety or health hazard;
- Disrupting the classroom and/or campus learning environment (including insubordination or disrespectful conduct) that may result in immediate dismissal from class by the faculty member and/or participation in any co-curricular event, activity, or organization by the appropriate supervisor or administrator;
- Disrupting the campus living-learning environment;
- Disorderly conduct;
- Falsely reporting fire or other emergency situations;
- Failing to cooperate with reasonable requests by University officials, including Public Safety officers;
- Failing to complete assigned educational sanctions in a satisfactory manner;
- Operating a motor vehicle in violation of traffic rules or so as to endanger people or property including, but not limited to, operating under the influence of alcohol and/or any other controlled or illegal substance;
- Possession, distribution of, or selling of any form of false identification;
- Failing to appear before the appropriate disciplinary body on campus when called to do so;
- Intentionally furnishing or conveying false or misleading information to any University official; or
- Possession or use of any device that could result in harm to others including, but not limited to, any weapon, firearm or projectile firing device.

D. Offenses of a Criminal or Immoral Nature, such as:

- Violating the laws of federal, state, or local governments; or
- Demonstrating moral depravity.

E. Offenses against Property, such as:

- Destroying or vandalizing property;
- Trespassing;
- Littering or any similar behavior/activity that shows disregard for the care and upkeep of space and property;
- Unauthorized use of property;
- Duplicating or possessing property without permission;
- Stealing or any activity that involves possession of another's property without the person's knowledge or consent;
- Embezzling; or
- Intentionally or recklessly interfering with another person's use of his or her property.

F. Responsibility for Standards of Behavior

Students are also responsible for all the policies in Section III of this handbook

entitled, “Standards of Behavior and Student Accountability”.

- Student Code of Conduct
- Acceptable Use of Technical Resources
- Social Media Policy
- Gaming Policy
- Alcohol Policy
- Civility Statement
- Discrimination/Harassment/Sexual Misconduct/Title IX Policy and Procedures
- Additional Standards and Policies (Americans with Disabilities Act, Controlled Substance Act, Firearms and Weapons Possession, Gambling, Non-Discrimination Policy, Parking and Traffic Violations, and Smoking Policy)

G. Additional Responsibilities for Standards of Behavior

In addition to the aforementioned Article III Standards of Behavior, students are also responsible for the standards of behavior set forth in the following documents:

- Resident Student Housing Agreement
- Community Covenant
- Other Documents (as published by the University)

H. Academic Integrity

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 Dean of Students, the Provost, and within the “Academic Regulations and Policies” statement of the Student Handbook.

I. 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 her/his 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 the policy may be obtained from the offices of the Dean of Students, the Deans of each College, the Western New England University Discrimination/ Sexual Harassment Grievance Policies and Procedures, within the “Student Code of Conduct” section of the Student Handbook and at the following link <http://www1.wne.edu/studentaffairs/>.

ARTICLE IV: INTERIM ACTION

The University reserves the right to take necessary and appropriate action to protect the educational environment and the safety and well-being of members of the University

community. The Vice President for Student Affairs and Dean of Students, or his/her designee, has the authority to take steps to temporarily (yet immediately) revoke or restrict a student's presence on the campus when it is reasonable to believe he/she poses a credible danger to others, to property, or to himself or herself, or whose presence might disrupt the operations of the University.

Based on the circumstances, the student's presence on campus and ability to use University facilities may be revoked or restricted through a summary suspension or other interim action. This status precedes a conduct review for consideration of suspension or dismissal from the University. The student may not return to campus until the scheduled time for his or her pre-hearing informational meeting, and the scheduled time for the conduct review unless indicated otherwise. At the close of the hearing, the student must immediately depart from campus and may not return until notified otherwise.

Based on the circumstances, the student may be restricted from all University property and facilities or specific aspects of the campus environment, as follows:

1. Restricted from some or all residential areas, including the adjacent grounds (sidewalks and entrance landings, parking lots, etc.)
2. Restricted from all areas other than the facilities in which the student is taking his or her scheduled courses; unless otherwise indicated, he or she may use commuter parking lots to attend these classes.
3. Restricted from particular location(s) on the campus, to be clarified in the written notification.
4. The student will be notified within 72 hours of the 'next steps' to resolve this situation. Further action may include specific provisions, such as a behavioral agreement, or a conduct review for alleged violation of one or more standards for behavior within the *Student Code of Conduct*.

As part of interim action, the University reserves the right to **place a hold on University documents** (including, but not limited to: a diploma, degree certification or transcript) until the situation has been resolved through a conduct review or other action taken by the University.

SECTION THREE:

OVERVIEW OF THE STUDENT JUDICIAL SYSTEM

ARTICLE I: INTRODUCTION

The purpose of the judicial process at Western New England University is to maintain the integrity of the educational mission of the institution while promoting the safety and dignity for each of its members. The process is educationally purposeful and provides students with the opportunity to recognize, and take responsibility for, their actions and behavior. Through intentional conversations, we strive for outcomes that are fair, nonjudgmental, and tailored to the individual. We are dedicated to helping students have a better understanding of the University's policies in order to promote responsibility, accountability, and personal development.

ARTICLE II: DEFINITIONS

The complainant is the person, group, or the University reporting an incident or act that allegedly violates a policy, procedure, guideline, or philosophy of the University. The respondent is the student(s) or student organization allegedly in violation of the applicable policy, procedure, guideline, or philosophy of the University.

ARTICLE III: INDIVIDUAL RESOLUTION OF COMPLAINTS AND GRIEVANCES

The University encourages open and honest communication between members of its

community. Most conflicts can be resolved by the individuals involved; those individuals are encouraged to confront issues of disagreement or conflict and to explore joint solutions consistent with the University's mission and philosophy. In addition, the University provides a number of resources to individuals who need assistance in informal conflict resolution. Those resources include fellow students in leadership roles, paraprofessional and professional staff within the Division of Student Affairs and Public Safety.

ARTICLE IV: ALTERNATIVE ON-CAMPUS AUTHORITIES

In cases where conflicts cannot be mutually and informally resolved with reasonable satisfaction, the University offers several formal grievance procedures, dependent on the substance or severity of the claim. Individuals who want to pursue a complaint or grievance against another member or members of the campus community should first consider the substance of the claim and should then utilize the appropriate process for resolution. In this regard, the University reserves the right to determine the most appropriate process or procedure for addressing and resolving the problem or concern.

A. For Claims of Sexual Misconduct

The grievance procedures are available through the Offices of Human Resources and of the Vice President for Student Affairs and Dean of Students. More information can be found in the Discrimination/Harassment/Sexual Misconduct/Title IX Policy and Procedures.

B. For Grievances Regarding Faculty, Staff, or Administration

See applicable sections in the faculty and staff handbooks.

C. For Disputes Regarding Student Educational Records

See policy on Student Records and Confidentiality in Section II of this Handbook.

D. For Claims or Grievances Stemming from Student Misconduct

The student judicial system described below has jurisdiction over all students and student groups. All students who violate the University's Student Code of Conduct, either as individuals or as members of a group, are under the authority of the student judicial system. The University reserves the right to pursue grievances or complaints pursuant to one or more of the available processes, as circumstances warrant.

ARTICLE V: MISCONDUCT AND OFF-CAMPUS AUTHORITIES

The University reserves the right to take disciplinary action against Western New England University students involved in any inappropriate, criminal or non-criminal conduct that occurs off-campus, particularly when such incidents have implications for campus safety and/or the reputation or operation of the University. The University may initiate disciplinary proceedings for off-campus conduct whether or not legal sanctions have been or may be imposed.

Students are accountable to both external authorities and to the University. Acts that constitute violations of the law and the Student Code of Conduct are subject to both University disciplinary proceedings and civil liability, criminal prosecution, or other University proceedings. Respondents may not challenge the University disciplinary proceedings on the grounds that criminal charges, civil actions, or other University proceedings regarding the same incident are pending, may be initiated, or are under investigation. The University and/or Public Safety will refer matters to and cooperate with federal, state, and local authorities for prosecution when appropriate.

Official reports from any off-campus authority may be obtained by the University and/or admitted as information presented at any administrative or hearing board disciplinary proceeding. If such reports are not available at the time of the scheduled hearing, an agent of the University (such as a Campus Police officer) may present a summary report based on his/her access to this information. Access includes, but is not limited to, a

conversation with the individual(s) who prepared the report/s and/or the opportunity to read the actual report(s). Furthermore, if the report(s) is/are part of information presented at the hearing, clarification and/or supplemental information may be presented by the agent of the University during the hearing.

ARTICLE VI: STRUCTURE

The student judicial system is composed primarily of administrative officers (the Vice President for Student Affairs and Dean of Students, the Assistant Dean of Students/Student Activities and Leadership Development, the Assistant Dean of Students/Residence Life, and staffs within their departments) and Boards that serve as recommending bodies for student accountability (the All-University Disciplinary Board and the Peer Review Board). The Vice President for Student Affairs and Dean of Students is ultimately responsible for the integrity of the judicial system.

ALL-UNIVERSITY DISCIPLINARY BOARD (AUDB)

The All-University Disciplinary Board (AUDB) consists of three faculty, three students, and three administrative representatives. The faculty representatives are selected by the Faculty Senate; the student representatives are selected by the Student Senate; and the administrative representatives are selected by the Vice President for Student Affairs and Dean of Students. Selections for service on the AUDB are made in late spring for the next academic year only. Members may serve successive terms if selected to do so. The Board elects its own Chair. Any combination of five members is satisfactory to conduct hearings. A majority vote of those present is required for recommending action. Recommendations of the AUDB are forwarded to the Assistant Dean of Students for consideration and approval. Requests for review of decisions conveyed by the Assistant Dean of Students may be made only to the Vice President for Student Affairs and Dean of Students. In cases where the University is not in active session and the AUDB has not been established or is not available, or where the University is in session and the AUDB has not been established or is unavailable, the designated administrative officer (the Assistant Dean of Students) serves as the original hearing body. Requests for review of decisions of suspension or dismissal conveyed by the Assistant Dean of Students may be made only to the Vice President for Student Affairs and Dean of Students.

PEER REVIEW BOARD (PRB)

The Peer Review Board (PRB) consists of five upper-class students selected by majority vote of a committee composed of the Assistant Dean of Students/Residence Life, the Assistant Dean of Students/Student Activities and Leadership Development, the President of the Residence Hall Association, and the President of the Student Senate. Elections to the PRB occur in late April and the term of office is for the next academic year. Members may serve successive terms if selected to do so.

The Assistant Dean of Students/Student Activities and Leadership Development serves as the administrative advisor to the PRB, without the right to vote. The Board elects its own Chair. In order to conduct hearings, at least three voting members of the Board must be present. A majority vote of those present is required for recommending action. In the event of a tie, the decision reverts back to the administrative officer who originally referred the case.

In cases where the University is not in active session and the PRB has not been established or is not available, or where the University is in session and the PRB has not been established or is unavailable, the appropriate administrative officer serves as the original hearing body and the other designated administrative offices (the other Assistant Dean of Students) serves as the reviewing agent.

ARTICLE VII: RANGE OF SANCTIONS

The severity of the penalty imposed will be based on both the current case and the respondent's previous record(s) of misconduct, as maintained in the Office of the Vice

President for Student Affairs and Dean of Students. Students found in violation of the Student Code of Conduct are subject to one or more of the following range of sanctions:

A. 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 in the transcript will be for a minimum length of time, to be designated by the hearing officer at the time other 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.

The range of time that notations will remain on the transcript is as follows:

- Offenses against another person: 1-6 years;
- Offenses against property: 1-3 years;
- Offenses of possession: 1-3 years;
- Offenses that threaten campus order: 1-3 years; or
- Offenses of a criminal/immoral nature: 1-3 years

These time ranges may be assigned consecutively or concurrently. A dismissed student may petition to delete this notation from her/his transcript after the length of time has elapsed.

B. 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.

C. 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.

D. Disciplinary Probation

A serious sanction, 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, to use 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.

E. 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.

F. Warning

This is an oral or written statement to the student that s/he has violated the Student Code of Conduct. A warning may be taken into account in judging the seriousness or determining sanctions for future violations.

G. Educational Sanctions

Educational sanctions are intended to promote student learning as a result of

misconduct and may include counseling referrals, a formal apology, 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.

H. Fines or Restitution

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

I. 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.

It should be noted that disciplinary sanctions are not limited to the above, and that the outcomes noted above simply serve as examples of internal sanctions commonly considered. The University also reserves the right to take criminal or civil action through the courts as necessary and desirable. Sanctions may be imposed immediately, even if the respondent seeks a review as outlined in Section Four, Article III.

ARTICLE VIII: DISCLOSURE TO PARENTS OR LEGAL GUARDIANS

The University reserves the right to share a student's educational records with parents and legal guardians without a student's knowledge or consent if a student is a dependent for income tax purposes.

The University also reserves the right to share a student's conduct records with parents and legal guardians without a student's knowledge or consent if a student is a dependent for income tax purposes. Notification involving disciplinary action includes, but is not limited to: cases in which the outcome is dismissal or suspension from the University, removal from University housing, disciplinary probation, and censure status. Notification may also occur when disciplinary action is pending, such as a summary suspension. In addition, the University reserves the right to share information with parents and legal guardians without a student's knowledge or consent, regardless of status for income tax purposes, when the student's behavior poses a potential or actual danger to him/herself or other person(s).

University officials also reserve the right to initiate notification when, in their professional judgment and discretion, it is in the best interests of the University and the student to do so. This may occur without the student's knowledge or consent.

SECTION FOUR: JUDICIAL PROCESS

ARTICLE I: PROCESS FOR REPORTING ALLEGED CODE VIOLATIONS

Any member of the University community may report an incident by a student/s or student organization/s that allegedly violates the Student Code of Conduct. Reports may be made by or on behalf of any member of the University community. Reports can be made orally or in writing to any member of the Vice President for Student Affairs and Dean of Students staff, who then refers the matter to the appropriate administrative officer. In reviewing incidents of alleged misconduct, including written report(s), oral statement(s) and/or audio or video recordings, the appropriate administrative officer or hearing board will base conclusions on

what it is reasonable to believe occurred at a certain time (what more likely than not transpired during the situation in question.) This approach to decision-making is particularly relevant when information is being disputed and an agreement or consensus cannot be reached during the hearing.

ARTICLE II: INITIAL SCREENING

Based on the complainant's report, the administrative officer will determine whether further action should be taken, and whether the alleged violation could lead to a sanction of suspension or dismissal from the university.

In making the determination of whether an alleged violation could lead to a sanction of suspension or dismissal from the University, the administrative officer will consider the totality of the circumstances surrounding each case. To aid the administrative officer in directing each case to the appropriate forum, he/she may consider, but is not limited to, any of the following:

- Nature and gravity of the offense;
- Past disciplinary record; or
- Any and all information gathered as a result of a preliminary investigation.

The appropriate administrator will make a reasonable effort to contact the student to initiate the judicial process. A reasonable effort shall include outreach by one of the following means: notification in writing, including university issued email; or orally, including a message left on the student's cell phone voicemail. This communication is presumed to have been received by the student. If the student fails to respond or fails to appear, the judicial process shall still occur.

ARTICLE III: CASES INVOLVING CONSIDERATION OF SUSPENSION OR DISMISSAL FROM THE UNIVERSITY

(See Standards of Behavior and Student Accountability: Student Code of Conduct: Section Three: Article IV: Items A-C)

A. Respondents are entitled to:

1. A pre-hearing informational meeting with the administrative officer, during which:
 - a. the report(s) about the alleged misconduct will be read and explained, in that s/he is not entitled to a copy;
 - b. a written outline of the judicial process and an oral explanation of that process is provided;
 - c. a written statement identifying the section of the Student Code of Conduct that was allegedly violated and the possible sanction(s) that might apply and
 - d. the meeting is intended for the respondent(s) only, unless assistance is needed for an impairment or disability. Parent(s), legal guardian(s), legal counsel and/or any other concerned person(s) may not attend.
2. Two days written notice in advance of the hearing, unless circumstances, as determined by the administrative officer, warrant otherwise or the Respondent agrees to a different time frame. This notification shall include:
 - a. the name(s) of person(s) asked to attend the hearing by the administrative officer;
 - b. the date, time and location of the hearing; and
 - c. the specific charge(s) relating to the alleged misconduct. If the Respondent fails to appear for a scheduled meeting (and does not contact the administrative officer 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 him/her after the meeting, the University will proceed with the judicial process.

B. Respondents are responsible for:

1. Cooperating with University officials during the judicial process;
2. Notifying the University of any change in residence or address, including phone number and email address to contact him/her;
3. Reading any and all materials provided in connection with the judicial process and seeking clarification in advance of the hearing;
4. Attending scheduled meetings and hearings on time;
5. Providing, in accordance with University procedures, a list of witnesses and/or advisor(s) requested to attend a hearing and recognizing that a failure of one or more of these person(s) to attend will not delay the hearing itself; and
6. Providing or presenting, if (s)he so chooses, a written statement at the time of the hearing.
7. The respondent's failure to appear for a pre-hearing meeting may result in the scheduling of a hearing without the opportunity to review the information beforehand.
8. The respondent's failure to appear for a hearing will result in a decision being rendered on the basis of reports and witnesses in attendance, thereby forfeiting his/her right to seek further review of any and all decisions made during the judicial process.

C. When the University is in session and the All-University Disciplinary Board is available, respondents may choose from among the following hearing alternatives:

1. The respondent may elect to have the case heard by an administrative officer, typically either the Assistant Dean of Students/Residence Life or the Assistant Dean of Students/Student Activities and Leadership Development.
2. The respondent may elect to have the case heard by the All-University Disciplinary Board.
3. If an alleged offense includes either sexual harassment or sexual misconduct, an administrative hearing may include male and/or female administrator(s) acting as hearing officer(s), as circumstances warrant. The All-University Disciplinary Board (AUSB) is not an option for this type of hearing. The respondent must select a hearing body (administrative officer or AUSB) within 24 hours of receiving written notice of the report. The selection must be in writing and directed to the administrative officer. If the deadline has not been met, the case will automatically be heard by an administrative officer. A deadline will be set by the administrative officer for the Respondent to submit the name(s) of his/her advisor and/or witness(es) on his/her behalf.

D. In the event that the University is not in session or the AUSB is not available, the administrative officer will serve as the original hearing body.

E. Entitlement to an Advisor from the University Community:

1. Any student who has allegedly violated one or more of the University's behavioral standards and is involved in a discipline hearing that may result in separation from the University for a stated period of time, or permanent removal, may seek assistance from an advisor of the student's choice, provided that the advisor is a member of the University community (current student, faculty member, or staff member) and is not legal counsel or acting in this capacity.
2. Any student who is an alleged victim and is involved in a discipline hearing that may result in separation from the University for a stated period of time, or

permanent removal, may seek assistance from an advisor of the student's choice, provided that the advisor is a member of the University community (current student, faculty member, or staff member) and is not legal counsel or acting in this capacity.

3. Advisors are permitted to attend meetings and hearings, but may not speak during a hearing. The hearing officer, at his/her discretion, may seek out clarification or information from the advisor.
4. Parents, legal guardians, and/or legal counsel, regardless of their affiliation with complainants, respondents, and/or witnesses, are not permitted to attend any part of the process, pre-hearing or hearing.
5. If a parent or legal guardian believes that (s)he has first-hand information about an incident or situation, (s)he may prepare a written statement that the student may provide to the hearing officer or hearing board at the time of the scheduled hearing.

F. Hearing Procedures:

1. During the hearing, respondents are entitled to appear in person, to hear all witness statements, to present relevant evidence, and to direct questions to the hearing board or officer.
2. The hearing board or administrative officer may refuse to hear any evidence that it deems irrelevant or unreliable. The hearing board or administrative officer will determine what is reliable and relevant under the circumstances of the case. Rules of evidence used in courts of law are not used in this process.
3. The hearing board or administrative officer may question the respondent and witnesses and seek clarification throughout the hearing.
4. The hearing board, after hearing the evidence, will meet in closed session to deliberate. The respondent is not entitled to hear the hearing board's deliberations.
5. In cases before the hearing board, the board forwards a recommendation of "in violation" or "not in violation" and recommended sanctions, if any, to the administrative officer.
6. The administrative officer may accept, reject or amend the hearing board's recommendation and/or sanctions, and may impose a different decision or sanction.
7. If an alleged offense involves either sexual harassment or sexual misconduct, an administrative hearing may include male and/or female administrator(s) acting as hearing officer(s), as circumstances warrant.

G. Notice of Decision:

The administrative officer will notify the respondent of the decision (and sanctions, if any) within three working days of the date the hearing(s) is/are concluded for the alleged misconduct. The decision may be conveyed verbally, if written communication to the student and other relevant documentation cannot be completed within this timeframe.

H. Review of Conduct Decisions:

1. Complainants, with the support and consent of the hearing officer, may request a review.
2. Respondents or complainants are not entitled to a re-hearing of the case. Respondents may seek one review only on the basis of one or more of the following:
 - a. a procedural error that unfairly and materially affected the outcome of the case;

- b. the discovery of new information that could reasonably be expected to alter the decision and was not available of the time of the hearing; or
 - c. the sanction is inconsistent with the gravity of the offense.
3. Complainants may seek only one review based on Clause H listed above.
 4. A respondent or complainant must submit to the Vice President for Student Affairs and Dean of Students, or his/her designee, a written request for a review by the deadline conveyed in the decision letter from the administrative officer. The request must state the grounds for review.
 5. Reviews will be made by the Vice President for Student Affairs and Dean of Students, or his/her designee, who will review a report of the hearing and additional relevant information provided by the respondent.
 6. The Vice President for Student Affairs and Dean of Students, or his/her designee, can affirm the original findings and sanction(s), or can impose a new decision and sanction(s). In this regard, his/her decision may either increase or decrease the severity of the original outcome.
 7. The decision of the Vice President for Student Affairs and Dean of Students, or his/her designee, is final and binding.

ARTICLE IV: CASES INVOLVING SANCTIONS OTHER THAN SUSPENSION OR DISMISSAL FROM THE UNIVERSITY

(See Standards and Behavior and Student Accountability: Student Code of Conduct: Section Three: Article VII: Items D-I)

A. Informal Resolution

In many cases, the respondent can meet with the administrative officer and agree that the Code of Conduct has been violated and can agree on a mutually acceptable sanction. If that is the case, the respondent waives the right to a hearing or review of the decision. The complainant has no right to challenge a decision or sanction imposed under these circumstances. Decisions made informally are recorded with the Office of the Vice President for Student Affairs and Dean of Students. Barring the unforeseen, the respondent will be sent a confirmation letter within five days of such a meeting. Informal resolution is not an option for cases involving sexual harassment or misconduct.

B. Cases Involving Sexual Harassment or Misconduct

If an alleged offense includes either sexual harassment or sexual misconduct, an administrative hearing may include male and/or female administrator(s) acting as hearing officers, as circumstances warrant. The Peer Review Board (PRB) or All University Disciplinary Board (AUDB) is not an option in this type of case. (Refer to hearing process following Sexual Harassment/Sexual Misconduct Policy)

C. Formal Resolution

In cases where the administrative officer determines, based on a review of the incident report(s), whether or not a hearing is warranted, or the respondent and the administrative officer cannot agree on a violation or sanction, the respondent is entitled to:

1. The opportunity to meet with the administrative officer, during which the report will be reviewed, in that the student is not entitled to a copy him/herself;
2. A written statement of the specific charge(s) for alleged wrongdoing and an oral explanation of the hearing process;
3. A written statement that indicates the possible (pending) or actual (final) outcomes as determined by the administrative officer; and

4. Advance notice of a hearing, in writing, if the administrative officer is referring the incident to the Peer Review Board (PRB).
- D. Respondents are Responsible for:
1. Cooperating with University officials during the judicial process;
 2. Notifying the University of any change in residence, address and/or phone number;
 3. Reading any and all materials provided in connection with the judicial process;
 4. Attending scheduled meetings and hearings on time, knowing that a failure to appear will result in the administrative officer rendering a decision based on the information available to him/her at that time, as well as forfeiture of the right to request further review of any and all decisions made during the judicial process; and
 5. Providing a list of witnesses (a minimum of 24 hours in advance) who have been requested to attend the hearing (for cases referred to the Peer Review Board).
- E. In cases where an informal resolution cannot be reached or the administrative officer believes that student input would be valuable, s/he may refer the case to the Peer Review Board. The board will follow the same procedure of reviewing evidence and in making a recommendation of “in violation” or “not in violation” and in recommending an appropriate sanction as outlined above for the All-University Disciplinary Board.
- F. Respondents may request further review only in matters where the sanction was disciplinary probation and/or removal from university housing. Requests for review must follow the same process outlined for cases in consideration of suspension or dismissal from the University but are directed to the Assistant Dean of Students rather than the Vice President for Student Affairs and Dean of Students.

ARTICLE V: MISCONDUCT OF STUDENTS WHO ARE AFFILIATED WITH THE UNIVERSITY FOR NON-ACADEMIC REASONS

Students who are affiliated with the University for non-academic reasons (including, but not limited to: participation in senior week, campus employment, semester break, athletic pre-season training, vacations, and summer lodging for special circumstances) are expected to abide by all standards for conduct. In that participation in events and/ or campus residency is at the discretion of the University, the decision of the administrative hearing officer is final and binding. If the decision includes removal from housing, departure is expected within 24 hour of verbal notification. A failure to abide by these terms of the decision and/or further conduct related concerns will be cause for further accountability. For graduating seniors, this accountability may include forfeiture of the privilege of participation in any and all commencement events. The decision of the administrative hearing officer is final in these matters and there is no appeal.

ARTICLE VI: STUDENT’S RIGHT TO A DRUG USE TEST

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 incident either by going directly to the Health Services office, if open, or calling the on-call provider if the office is closed. To speak with an on-call provider, call 413-782-1211 and follow the prompts.

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.) 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.

ALCOHOL POLICY

INTRODUCTION

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 his/her 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.

For information on judicial proceedings, please refer to Section Three and Four of the Student Code of Conduct.

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.

GENERAL USAGE OF ALCOHOL

ARTICLE I: 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.

ARTICLE II: 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:

- A. 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 he/she returns to campus, can be documented for violation of the alcohol policy as well.
- B. 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.
- C. 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.

ARTICLE 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 Activities and Leadership Development at least four weeks in advance of the planned event.
 2. The Office of Student Activities and Leadership Development 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 Activities and Leadership Development; or
 - b. If on the weekend, requests may be approved at the discretion of the on-duty Residence Life supervisor.
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.

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. '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 guests and the behavior of those guests. A guest 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.

ARTICLE 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.

ARTICLE 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.

ARTICLE 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.

ARTICLE 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.

PROVISIONS FOR RESIDENTIAL AREAS

ARTICLE I: 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.

ARTICLE II: OF-AGE RESIDENCE AREAS

- A. 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.
- B. 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.
- C. 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 containers are not allowed.
- D. 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.
- E. A bar is 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 display should be avoided.

- F. For 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:
 - 1. Under-age residents must not be present in the apartment or townhouse;
 - 2. Invited guests may not bring their own alcoholic beverages (no 'BYOB'); and
 - 3. Beverages must be in individual servings (no kegs, pitchers, punch bowls, etc.).
- G. 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 (i.e. backpacks, laundry baskets, and other containers) Alcohol and alcohol paraphernalia may be confiscated and disposed of by University officials.

ARTICLE III: UNDER-AGE RESIDENCE AREAS

- A. 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.
- B. 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.

VISITATION POLICIES IN CAMPUS HOUSING

ARTICLE I: UNIVERSITY COMMUNITY

Members of the University community (students, faculty, administration, and staff) are permitted to visit students in their place of residence on campus, as long as their presence does not conflict with the right to privacy of others sharing the living space (roommate, suitemates or housemates).

ARTICLE II: GUEST / VISITORS

A 'guest' is any person who is not an undergraduate or post baccalaureate student at the University, while a 'visitor' is an undergraduate or post baccalaureate student at the University who is not assigned to the particular location that he/she is visiting.

ARTICLE III: RESPONSIBILITY FOR GUESTS / VISITORS

The student, as host, assumes responsibility for the presence and conduct of any guest or visitor. However, in that the visitor is an undergraduate or post baccalaureate student at the University as well, he/she may also be held accountable for inappropriate or unacceptable conduct at the location being visited.

ARTICLE IV: REASONABLE AND RESPONSIBLE VISITATION

Students are expected to make reasonable, educated and responsible decisions when entertaining guests and visitors. Good judgment and discretion are to be used in visiting residential areas, ensuring that such visits do not otherwise interfere with any individual student's legitimate use of the shared space. Resident students and their guests/visitors need to be aware that visitation is a privilege. Displacement and/or inconveniencing of a roommate, suitemate or any other member of the residential community in order to accommodate a guest or visitor is unacceptable and subject to accountability.

ARTICLE V: OVERNIGHT GUESTS

The presence of an overnight guest or visitor should normally not exceed two consecutive nights. Displacement of other occupant(s) of the living space, or causing inconvenience to him/her/them, is unacceptable as a matter of respect and courtesy. Any indication that

a guest is utilizing University housing as a place of residence will result in that individual being restricted from University property, as well as accountability for the student(s) acting as host.

ARTICLE VI: GUEST ADHERENCE TO RULES

Guests are expected to abide by the same rules and regulations as those governing their host.

(updated as of 5/2014)

SEXUAL HARASSMENT/SEXUAL MISCONDUCT AND TITLE IX POLICY

DEFINITIONS

In Massachusetts, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and/or physical conduct of an unwelcome sexual nature, when:

- Submission to, or rejection of, such advances, requests or conduct is made, either explicitly or implicitly, a term or condition of employment, as a basis for employment decisions or for decisions regarding a student's academic progress, grades, etc.; or
- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment or, in the educational living/ learning setting, the creation of similarly hostile, humiliating, or sexually offensive academic or student residential environment.

Under these definitions, direct or implied requests for sexual favors by any member of the University community, particularly where a supervisor/subordinate relationship exists, in exchange for favorable academic treatment or actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits or continued employment may constitute sexual harassment.

Other sexually-oriented conduct that is unwelcome and has the effect of creating a workplace and/or learning environment that is hostile, offensive, intimidating, or humiliating to other members of the University community may also constitute sexual harassment. While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct which, depending on each circumstance, may constitute sexual harassment:

- Unwelcome sexual advances, whether they involve physical contact or not;
- Unwelcome sexual epithets, jokes, verbal references to sexual conduct, gossip regarding one's sex life, comments on an individual's body or comments about an individual's sexual activity;
- Displaying sexually suggestive objects, pictures or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures or suggestive or insulting comments;
- Inquiries into an individual's sexual experiences; or
- Discussion of an individual's sexual activities.

Sexual misconduct refers to any form of physical contact or exploitation of another person of a sexual nature that is made without effective consent. Effective consent means that a person is able to make free, informed, and reasonable choices and decisions – and is not impaired by intoxication or other drug consumption (be it voluntary or otherwise), by disability, or by fear. Sexual behavior without effective consent can lead to sexual misconduct, sexual assault, and/or sexual harassment. **Consent is effective when it has been clearly communicated. Consent may never occur if a person is unconscious,**

unaware, or otherwise physically helpless.

RESOLUTION OF CLAIMS

Procedures for addressing allegations of student-to-student sexual misconduct or harassment or when the student is the respondent will be addressed through the Student Code of Conduct, Section Two, Article III, Section A: Offenses Against Another Person(s).

For allegations that involve faculty, staff, or administration of the University, the full procedure is outlined in the Discrimination/Harassment/Sexual Misconduct/Title IX Policy and Procedures brochure.

Formal resolution involves an actual hearing of the case by male and/or female administrator. These administrators will consider relevant written reports, as well as verbal and/or written statements by the victim/survivor, alleged perpetrator and witnesses (if applicable). Decisions regarding accountability will be based on whether it is more likely than not that sexual misconduct, sexual assault or sexual harassment occurred.

REVIEW OF CONDUCT DECISIONS

1. A complainant, with the support and consent of the hearing officer, may request a review. This is not a re-hearing of the case and is limited to a claim that the sanction is inconsistent with the gravity of the offense based on previous or similar cases.
2. Respondents or complainants are not entitled to a re-hearing of the case. Respondents may seek review only on the basis of one or more of the following:
 - a. a procedural error that unfairly and materially affected the outcome of the case;
 - b. the discovery of new information that could reasonably be expected to alter the decision and was not available of the time of the hearing; or
 - c. the sanction is inconsistent with the gravity of the offense.
3. A respondent or complainant must submit to the Vice President for Student Affairs and Dean of Students, or his/her designee, a written request for a review by the deadline conveyed in the decision letter from the administrative officer. The request must state the grounds for review.
4. Reviews will be made by the Vice President for Student Affairs and Dean of Students, or his/her designee, who will review a report of the hearing and additional relevant information provided by the respondent.
5. The Vice President for Student Affairs and Dean of Students, or his/her designee, can affirm the original findings and sanction(s), or can impose a new decision and sanction(s). In this regard, his/her decision may either increase or decrease the severity of the original outcome.
6. The decision of the Vice President for Student Affairs and Dean of Students, or his/her designee is final and binding.

ADDITIONAL STANDARDS AND POLICIES

ACCEPTABLE USE OF TECHNICAL RESOURCES

Preamble

Western New England University provides a comprehensive package of computer and technical resources to students, faculty, and staff for the purpose of conducting academic and college 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 University also provides use of numerous licensed informational and research databases and software applications; use of the University's facilities is expected to be

consistent with educational goals and mission of the University.

Resources, such as the University's network, computers, servers, and printers, required to provide these services are either owned or licensed by Western New England University. To use these resources is a privilege, not a right. These resources, often provided as part of one's employment or status as a student, are to be used responsibly and in accordance with 'Acceptable Use Policies'.

The University's resources are limited and the manner in which each individual utilizes these resources impacts the successful efforts of others. With respect for individual needs and limited resources in mind, the University has established standards and policies to permit the acceptable use of these resources.

It is important that everyone be cognizant of their obligations, what is meant by proper use and behavior, an understanding of actions that inhibit the success of others, and adhering to and honoring the following basic principles, standards and policies.

ACCEPTABLE USE STANDARDS AND POLICIES

ACCOUNT AND ACCESS

Restrictions include but are not limited to:

- Using the University's technical resources to engage in any activities not directly related to the University's academic, research, administrative, or residential life activities.
- Using the University's technical resources to engage in illegal activities including violation of local, state, federal, or international law.
- Using the University's technical resources for storing or transporting copyrighted material, documents/photos/software/music/video or files containing such items.
- Connecting devices other than computers in residential hall network jacks; Acceptable devices include PCs, laptops, and gaming consoles; 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 may be disconnected.
- 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, faculty, and staff.
- Using the University's technical resources in an excessive manner or one that causes degradation, incapacitates, compromises, or in any way jeopardizes others use of the University's technical resources.
- 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'.
- Sharing your account or password with anyone.
- Attempting to gain access to other individual's accounts, private files or email
- Conducting any harassing activities toward University users.
- Revealing or disclosing confidential information or invasion of another's personal privacy through electronic or other means.
- Inclusion in email messages or web pages the personal audio, image, or video material of individuals or materials owned by them without their approval and written authority.
- Use or placement of content materials that are abusive, profane, or obscene in e-mail, web pages or other network transport mechanisms.

- Using technical resources for commercial or revenue generating activities that are not authorized by the University.
- Distributing chain letters or other media that engages individuals with unannounced solicitations that are not related to University business.
- Removing software or hardware components on University computers or servers supplied by the Office of Information Technology.

EMAIL

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

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 abate network performance issues or if there is reason to believe that a user is in violation of the Acceptable Use Policy.

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.

ENFORCEMENT

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

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.

Rev 08/25/2011

AMERICANS WITH DISABILITIES ACT

Title III of the Americans with Disabilities Act, 42 U.S.C. 12182(a) provides that "no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodations." Western New England University adheres to the stipulations of this Act.

CONTROLLED SUBSTANCES ACT

Part of the federal omnibus legislation enacted November 18, 1988 is the Drug-Free Workplace Act of 1988. Under the provisions of this legislation, direct recipients of federal grants or contracts must certify that they will provide drug-free workplaces. Individuals receiving funding directly from the federal government will also have to certify that their conduct will be drug-free. In the case of colleges and universities, the Department of Education has said individual Pell Grant recipients will have to certify that they are drug-free to receive their student aid awards.

If colleges and universities do not promote drug-free workplaces, drug-free awareness programs or establishes procedures for reporting violations, they are subject to sanctions, including suspension of payments, suspension or termination of grants or debarment, thus becoming ineligible to receive grants or awards from any federal agency during the term of debarment.

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 in SAS. 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.

FIREARMS, AMMUNITION, AND WEAPONS POLICY

Applicable to all students, staff, and faculty

1. 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.
2. Western New England University's policies comply with Massachusetts law. In Massachusetts, it is illegal for anyone to carry firearms (including unloaded weapons) or ammunition (including some forms of knives/other weapons) on the property of a college or university in the state, unless given express written consent by the University. [1]
3. 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.
4. Recreational devices like paintball guns, BB guns, and sling shots are not allowed on campus unless part of a University approved activity.
5. The University also prohibits any member of the community from carrying on his/her person or under his/her control in any vehicle, any object that may be used to threaten, harass and/or injure.

In conclusion, in accordance with Massachusetts General Law Chapter 269 Section 10J, weapons are prohibited on the grounds of the University with the exception of law enforcement officers duly authorized to carry such weapons. No person shall be permitted to carry firearms or other weapons, concealed or not concealed, with or without a concealed weapon permit, while on properties owned or controlled by the University.

For the purposes of this policy, the term "weapons" includes, but is not limited to: firearms of any nature or description, including shotguns, rifles, pistols, and revolvers, paintball guns, or BB/pellet guns; firearm replicas; ammunition; martial arts-type weapons; explosives (including fireworks); bows, crossbows, arrows; slingshots; switchblade knives, double-edged knives, hunting (pocket-style) knives with a blade length of three inches or greater; swords; pointed metal darts; (unauthorized) pepper spray; or any other destructive device or instrument that may be used to do bodily injury or damage to property. In addition, items that may be used as weapons, whether or not they fit the definition above, will be subject to seizure.

(updated 5/2014)

[1] M.G.L. c. 269, §10J.

GAMBLING

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 Activities & Leadership Development.

GAMING ACTIVITIES FOR FUNDRAISING

The purpose of this Policy on Gaming Activities for Fundraising is to inform members of the Western New England University community of Massachusetts' laws that govern fundraising events, which include gaming activities such as raffles and poker tournaments. As all fundraising events involving gaming activities must be conducted in

compliance with legal mandates, the following guidelines are to be complied with at all times.

Any member of the University community, who wishes to conduct a fundraising event that will include gaming activities, including but not limited to, raffles and poker tournaments, is required to conduct the event in accordance with the laws of Massachusetts and University policy.

1. **Games of Chance** - In general, gaming activities are games of chance in which a person pays something of value (i.e. cash), for an opportunity to win a prize. Games of chance include, but are not limited to, raffles and poker tournaments, including Texas Hold'em. Generally these forms of fundraising are prohibited. However, under certain conditions, qualified non-profit organizations like Western New England University may hold fundraising events, which include games of chance.

A permit, issued by the city in which the fundraising event will be held, is required to conduct a game of chance. Once issued, a permit is valid for one (1) year, so long as all reporting requirements are met.

2. **Raffles** - A raffle is a gaming activity in which a person pays something of value (i.e. cash) for a chance to win a prize. Raffles require that a permit be issued by the city in which the raffle will be conducted; there is no limit as to the number of raffles that the University may hold throughout the year. Any member of the University community wishing to conduct a raffle must comply with the following:
 - Contact License Commission, City of Springfield: (License@springfieldcityhall.com, P#: (413) 787-6140), at least 30 days prior to the event.
 - Receive all required reporting documents.
 - Complete required report on activity within 10 days after the event.
 - Remit one (1) copy of the required report with payment of 5% of gross proceeds to state lottery commission.
 - Remit one (1) copy of the required report to Controller's Office.
 - Retain one copy in the campus office responsible for the event.
3. **Poker Tournaments/Casino Nights** - Under Massachusetts' law, the University may hold only three (3) poker tournaments (including Texas Hold'em)/Casino Nights, whether they are held on or off campus, per calendar year. Poker tournaments/Casino Nights require that a permit be issued by the city in which the poker tournament/Casino Night will be conducted.

MUST CONTACT THE LICENSE COMMISSION, CITY OF SPRINGFIELD, BEFORE SCHEDULING A POKER TOURNAMENT OR CASINO NIGHT IN ORDER TO ENSURE THAT YOUR EVENT WILL NOT EXCEED THE STATUTORY LIMIT OF THREE (3) EVENTS PER YEAR.

4. **Special Rules Governing Poker Tournaments/Casino Nights Including Texas Hold'em**

Any member of the University community wishing to conduct a poker tournament, including Texas Hold'em, or Casino Night, for fundraising purposes, must comply with the following:

- Contact License Commission, City of Springfield: (License@springfieldcityhall.com, P#: (413) 787-6140), at least 30 days prior to the event.
- Receive all required reporting documents.
- A Public Safety Officer must be present at all times during the event.
- Appoint a member of the organization conducting the event to manage the gaming

activity (Manager) and to generate all required reports.

- The Manager must be present throughout the entire event and familiar with laws and regulations governing the gaming activity.
- Appoint a separate person (Officer), other than the Manager, to handle all proceeds.
- The Officer must keep record of all transactions including, but not limited to, costs, revenue, and proceeds.
- Prizes MUST be determined in advance of the event and cannot be contingent upon, nor fluctuate in value with, the number of players at any given time, or the amount of proceeds collected, or the outcome of the game being played.
- Prizes are limited to one or both of the following: (1) merchandise of any value (including gift cards), or (2) cash awards not to exceed \$25.
- Cash prizes may be awarded at the end of the event, end of a particular game, or in any other manner as the organization so chooses.
- If you rent equipment for the event (i.e. card tables), the company providing the equipment cannot provide dealers for the event, nor can any member of the company renting the equipment be present during the event.
- Only members of the University may promote and operate the event and gaming activities. No outside organization may participate in any way.
- Rules governing the game(s) (“House Rules”) must be posted conspicuously at all gaming tables for all participants to read.
- All players must be at least 18 years old.
- Accurate record of all transactions must be kept. This includes costs, revenue (money collected), proceeds, and a list of all prizes and prizes awarded.
- Complete required report on activity within 10 days after the event.
- Remit one (1) copy of the required report with payment of 5% of gross proceeds to state lottery commission.
- Remit one (1) copy of the required report to Controller’s Office.
- File one (1) copy with your organization’s records.

General Counsel (413) 796-2005	Controller’s Office (413) 796-2334
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NON-DISCRIMINATION POLICY

Western New England University does not discriminate on the basis of race, religion, color, national origin, age, sex, sexual orientation, gender identity, gender expression 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 nondiscrimination 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

PARKING AND TRAFFIC VIOLATIONS

Any person driving or operating a motor vehicle on campus property is expected to comply with both the spirit and the letter of traffic and parking regulations. The enforcement and supervision of motor vehicle regulations is through University Police.

All vehicles owned, operated, or used by students, faculty, staff, and administration on campus, must bear a Western New England University parking permit within two weeks of the beginning of the fall semester, and immediately at any other time afterwards. Permits are to be affixed properly to each vehicle; they are non-transferrable and the costs are non-refundable.

The University, through the Director of Public Safety, reserves the right to revoke and confiscate a vehicle permit at any time during the school year. Students are also reminded that the University Police will issue citations for violations of parking and for motor vehicle operation regulations. Students are advised that improper or unauthorized use of motor vehicles may result in towing at the owner's expense. The University Police may also immobilize a vehicle with a device for repeated infractions.

Student parking is restricted to specifically designated areas during designated times. Accommodations are available for guests. For a complete explanation of parking regulations, please consult the publications distributed by University Police, or online at <http://www.wnepolice.net>.

The speed limit on campus is 15 mph. Seat belts can and do save lives – and should be used at all times.

SMOKING POLICY

In accordance with the provisions of the Massachusetts Clean Air Indoor Act of 1988, all residence facilities are smoke-free environments. This restriction includes 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 University vehicles.

Smoking by students and/or their guest(s) is therefore limited to the exterior of the residential facilities, all buildings including academic, athletic, and administrative. Care should be demonstrated when doing so, including the disposal of smoking materials.

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

(updated 5/2014)

SOCIAL MEDIA POLICY

Social networking via Facebook, MySpace, Twitter, Google+, YouTube, Flickr, InstaGram and other digital platforms/social media has grown significantly. Members of the University community must be aware of policies and laws that apply to social networking, including other related University policies including but not limited to the University's Acceptable Use of Technical Resources Policy (including the preamble) (<http://www1.wne.edu/oit/index.cfm?selection=doc.2049>), and the University's Discrimination/Harassment Grievance Procedures (<http://www1.wne.edu/assets/45/sexualharassmentdiscriminationbooklet.pdf>).

It is important to understand that information posted online, including pictures and text, may become virtually impossible to remove from the Internet even after attempts to delete the material. Additionally, pictures and texts posted within online services can become the property of these sites once posted. Therefore, do not post information that you do not want available to a worldwide audience at the time of posting, and at any time in the future. On sites such as Facebook, be cautious to “friend” or confirm friendships

with anyone you do not know because the person may be able to see personal information you have on your profile and leave your account vulnerable to being hacked. It is important that any user of a social media site be aware of the privacy settings and be fully aware of what is being shared to the world at large.

Today, many potential employers, scholarship committees, graduate school admissions committees, or even potential roommates perform “background checks” by searching the Internet. Thoughtfulness and caution should be exercised by all students and employees using social media sites. All content posted to a social site should be considered public in nature and treated as such. Posting information that may appear harmless such as your name, address, birthday, hometown, and photos can aid someone to steal your identity or commit other civil or criminal acts.

Federal and state laws apply to all members of the University community who use social networking sites. Cyber stalking, copyright infringement, defamation, invasion of privacy, obscenity, pornography, and sexual harassment are common legal concerns. Violation of any of these laws could subject members of the University community to civil and criminal actions and/or internal discipline action, up to and including termination for faculty and staff, or dismissal from the University as to students.

(updated 05/2014)

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 TO THE CIVIL RIGHTS ACT OF 1964

Title IX was the first comprehensive federal law to prohibit gender discrimination against students and employees of educational institutions. Title IX benefits both males and females, and is at the heart of efforts to create gender equitable schools. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone based on gender. Western New England University does not discriminate on the basis of sex in its education programs; sexual harassment and sexual violence are types of sex discrimination that will not be tolerated at the University. Under Title IX, males and females are expected to receive fair and equal treatment in all areas of schooling: recruitment, admissions, educational programs and activities, course offerings and access, counseling, financial aid, employment assistance, facilities and housing, health and insurance benefits, marital and parental status, scholarships and athletics.

TITLE IX OFFICER:

Joanne Ollson

Assistant Vice President and Director of Human Resources

(413) 782-1343

Deputy Title IX Officer:

Sean Burke- Student Affairs

Associate Director of Residence Life for Operations

(413) 782-1316

Deputy Title IX Officer:

Aimee Klepacki - Student Affairs

Head Women’s Lacrosse Coach/Aquatics Coordinator

(413) 796-2227

(as of 5/2014)

