This handbook is provided by Student Senate

2019-2020 UNDERGRADUATE ACADEMIC CALENDAR

2019 FALL SEMESTER

August 23	Housing opens: New students
August 24 & 25	Housing opens: Returning students
August 26	*Classes begin (8:00 a.m.).*
September 2	Labor Day-No Classes
September 3	Last day to add course(s) without the Instructor's Permission
September 10	Last day: • to add course(s) without instructor's written permission • to change from audit to credit or credit to audit with the Instructor's written permission. • to withdraw from a class without a "W" on transcript
October 7	In-progress closing of grades (100 level) in Self Service
October 14-15	No classes (Fall Recess), housing remains open
October 21	In-Progress closing of grades (200+ level) to ENROLLMENT SERVICES
October 31	Last day for withdrawing from course(s) - "W" issued
November 4	Priority registration for Winter Session and Spring Semester
November 18	Open Registration for Winter and Spring Semester
November 27-29	*Thanksgiving Recess*
December 6	Last day of fall term classes
December 7 & 8	Study Days
December 9-13	Final Exams period
December 14	Authorized late departures (by 10:00 a.m.).
December 14	Final exam snow day, housing closes at 9:00 p.m.
December 17-January 1	Winter Recess

2020 WINTER SEMESTER

January 2-10	*Winter session classes*

2020 SPRING SEMESTER

January 12	Housing re-opens for returning students (1:00 p.m.).
January 13	*Classes begin (8:00 a.m.).*
January 20	Martin Luther King, Jr Day-no Classes
January 21	Last day to add course(s) without the instructor's permission
January 28	Last day • to add course(s) without the Instructor's permission • change from audit to credit or audit to credit with the Instructor's written permission • last day to withdraw from a class with a "W" on transcript
March 2	Summer Registration Starts
March 9	In-Progress closing of grades in Self Service
March 16-20	*Spring Break Recess*
March 23	Last day for withdrawing from course(s)-"W" issued
March 30	Priority Registration for Fall
April 13	No Day Classes (Evening Classes resume @ 5:00 p.m.)
April 13	Open Registration begins
May 1	Last day of spring term classes
May 2 & 3	Study Days
May 4-8	Final Exams Period
May 9	Authorized late departures (by 10:00 a.m.).
May 10	"Senior Week" begins
May 16	Undergraduate Commencement
May 17	Graduate Commencement

Academic Policies

ACADEMIC REGULATIONS AND POLICIES

STUDENT ABSENCE DUE TO RELIGIOUS BELIEF

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

ACADEMIC ADVISING AND STUDENT RESPONSIBILITIES

Academic advising at Western New England University is framed against the University Mission Statement and is guided by a commitment to student academic progress and personal growth. Specifically, advising is intended to enhance and support student learning in an atmosphere of personal concern. Advising seeks to engage intellectual growth and self-discovery, and is carried out through a consistent exchange between student and advisor. That shared relationship thereby attempts to prompt students to develop decision making skills, set realistic expectations, and practice the necessary coping strategies to attain their educational, life, and career goals.

Each full-time student is assigned a faculty advisor. In the freshman year of full-time study, the academic advisor is normally assigned on the basis of enrollment in First Year Seminar. After the sophomore year and beyond, students are normally assigned or may choose an advisor according to the academic department in which the student's major is contained. Students who are undecided remain with their current advisor or are assigned to the Academic Support Center (Campus Center Room 137, or 413.796.2027) until a major is declared. Academic advising is provided for part-time students through the appropriate college. Although the advisor should be consulted on matters of curriculum, the ultimate responsibility for decision on the student's program of study remains with the student. Furthermore, each student holds the ultimate responsibility to understand degree requirements and to plan for orderly fulfillment.

It is important that students work with their academic advisors to develop an academic plan enabling them to complete many of the fundamental General University Requirements by the end of the sophomore, or second, full year of study. While this may not always be possible due to schedule limitations of certain programs or other schedule anomalies, students should strive to acquire the prerequisite skills and knowledge necessary to succeed in their major programs. For example, students will need to have skills in research and writing in order to understand and complete assignments in upper division courses in and outside of their major fields of study. Students should also consult their advisor to choose elective courses that both broaden and deepen their knowledge of disciplines that are important for success and well-being beyond the University experience.

ACADEMIC INTEGRITY

Honesty in all academic work is expected of every student. This means giving one's own answer in all class work, quizzes, and examinations without help from any source not

approved by the instructor. Written material is to be the student's original composition. Appropriate credit must be given for outside sources from which ideas, language, or quotations are derived. Students are cautioned that purchasing term papers from any source is a violation of academic honesty. Additional information on academic honesty may be found in the Student Code of Conduct. In the event that a student commits an action of academic integrity, a range of sanctions may be applied. In the event that a student has two violations of academic integrity, suspension or dismissal may be a consideration. In these cases, the hearing body will be the All-University Disciplinary Board (when classes are in session) or the Dean of Students Office when the Board is not available. The AUDB is a recommending body and their recommendation is forwarded on to the Assistant or Associate Dean of Students for a decision. In academic integrity cases, the appeal of the decision would be heard by the Vice President of Academic Affairs and Provost.

QUALIFICATIONS FOR A BACCALAUREATE DEGREE

In order to qualify for a baccalaureate degree a student must:

1. Comply with the entrance requirements for normal matriculation.
2. Meet the attendance requirement.
3. Receive passing grades in all courses required for the degree.
4. Attain a minimum grade point average of 2.0 for the entire curriculum. (Transfer students must maintain a 2.0 average in courses taken at the University. Transfer hours are not included in determining the Western New England University grade point average.)
5. Attain a minimum grade point average of 2.0 in the major.
6. Complete at least 30 credit hours at Western New England University.
7. Complete at least 24 of the last 30 credit hours used in satisfaction of the degree requirements with courses offered by programs of Western New England University.
8. Complete an Application for Degree form, which will place the student's name on the list for October, February, May, or August degree conferral, as appropriate.

CHANGE OF ADDRESS

Students should report changes of address promptly to Student Administrative Services. A form is available in ENROLLMENT SERVICES for this purpose. Students who live off-campus are required to keep the University informed of their current local address. Students graduating or leaving campus must complete a change of address card so the U.S. Post Office can forward mail. These cards are available at Mail Services.

CLASS ATTENDANCE

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

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

It is especially important for freshman students to establish the discipline of attending all classes and laboratories and to be properly prepared by having done all assigned reading and homework. It can be easily demonstrated that students who fail to attend class do not succeed in college.

For emergencies, if students are not able to attend class, please inform the Dean of Students office at (413)782-1282.

CLASS CANCELLATIONS

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

FINANCIAL AID

Students in need of financial aid or with questions concerning financial aid are encouraged to contact Enrollment Services for information on scholarships, grants, loans, or simply to discuss financial planning options.

The University encourages part-time employment and a significant number of students work during the academic year. The Office of Human Resources is responsible for coordinating all on-campus employment and publishes off-campus positions. Academic achievement remains the University's primary concern, however, and a 7-to-15-hour work week is typical.

MIDYEAR AND FINAL EXAMINATIONS

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

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

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

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

There are two exceptions, however, to the middle exam solution. The first is that if the student can move any of the three examinations to the examination for another section of the same course taught by the same instructor, he or she must make that request of the faculty member if the move does not cause another conflict. The second exception is that

if the middle examination is a common examination (multiple sections of the course all taking the same exam), one of the other two remaining exams will be rescheduled by joint agreement between the two faculty members. The student should make the conflict known to both faculty involved. If an agreement cannot be reached, a decision will be jointly made by the Deans of the Colleges in which these two courses are housed.
The final exam schedule is posted on the Academic Schedule Office's website, https://www1.wne.edu/academic-affairs/academic-scheduling.cfm and ASAP.

SATISFACTORY ACADEMIC PROCESS

Satisfactory Academic Policy (SAP) is a standard used to measure progress toward the completion of coursework toward a degree. Western New England University is required by federal regulations to establish a reasonable Satisfactory Academic Progress policy to determine whether an otherwise eligible student is making SAP in his or her educational program. The standards of SAP apply to federal financial assistance programs including Federal Pell Grant, Federal Work-Study, Federal Supplemental Educational Assistance Opportunity Grant (FSEOG), Federal Perkins Loan, Federal Direct Loans (Subsidized, Unsubsidized and PLUS), as well as assistance from the state and the institution. SAP standards apply to all students: full-time, part-time, degree and certificate candidates. Students who are found to be in violation of the parameters set forth by the SAP policy are ineligible to receive most forms of federal, state and institutional financial aid.

Undergraduate Students

SAP of an undergraduate student will be reviewed annually based on the following standards.

Minimum Grade Point Average (GPA)

For qualitative purposes, SAP requires a minimum cumulative Grade Point Average (GPA) of 2.0. Undergraduate student GPAs are reviewed annually, normally in May after spring grades have been posted, to evaluate eligibility for federal, state, and institutional grants, scholarships, loans and work programs. *Note: Some degree programs may have higher GPA and credit requirements for students to maintain program eligibility. Students should consult the program description in the catalog for requirements of their individual programs.*

Pace

Students must also meet quantitative requirements to retain their eligibility for financial aid. Enrollment Services measures a student's quantitative standards by reviewing completed credits as a percentage of attempted credits after each academic year. Transfer credits earned by students from other institutions and accepted by Western New England University are included in the determination of a student's percentage of completed classes. Students must earn at least 67% of their cumulative attempted credits to maintain SAP. Attempted credit hours are totaled and multiplied by 0.67 to determine the number of credit hours a student must have earned to be considered making progress. *Note: Some degree programs have higher GPA and credit requirements for students to maintain program eligibility. Students should consult the program description in the catalog for requirements of their individual programs.*

Example: A student who has completed their first year and has attempted 32 credits, but may have only successfully completed 20. They are not making progress because they have not completed at least 67% of the attempted credits (32 x 0.67 = 21 minimum credits required).

The following are considered when evaluating a student's Satisfactory Academic Progress:

- Incompletes, withdrawals and failures (Is, Ws and Fs) are considered attempted but not earned hours.
- Passing credits received for pass/fail courses are considered attempted and earned credits; failing grades in pass/fail courses are considered attempted but not earned.
- Repeated courses are included in the calculation of both attempted and earned hours, and only the most recent grade will count in the cumulative GPA.
- Transfer credits accepted by Western New England, including coursework completed through study abroad, are included in the credit completion rate and maximum time frame calculations, but not the GPA.
- Courses taken through CCGS and the Washington Semester Program offered by American University are included in the credit completion rate, maximum time frame calculations and in the GPA.

Maximum Timeframe

All students are expected to complete their respective educational programs within a specified timeframe, as measured in credit hours. Once this timeframe has elapsed, students are no longer eligible to receive financial aid. Undergraduate students are expected to complete their educational program in a timeframe no longer than 150% of its published length, as measured in credit hours. If, for instance, the degree requires 122 credit hours, the student may not attempt more than 183 credit hours toward the degree. Exceptions to this parameter of the SAP policy will be made on a case-by-case basis for students who demonstrate that their noncompliance is due to extreme circumstance.

Appeals

Students with significant documented extenuating circumstances may appeal to Enrollment Services to regain eligibility. Appeals must address the reason the student failed to make SAP and describe what has changed to allow the student to make satisfactory progress in the future.

Approval of a student's financial aid appeal will be based on extenuating circumstances outside normal school activities that have an impact on the student's ability to achieve the minimum standards of SAP. Cases to consider may include the death of a family member or instances where the student became seriously ill or was severely injured. Other cases may be considered if they are determined to have caused physical or psychological stress on a student. Each situation is reviewed on a case-by-case basis.

Students whose appeals are approved are granted a semester of aid on financial aid probation. Students are expected to meet the standards of SAP upon completion of the semester for which they were granted financial aid probation or to be meeting the terms of an approved Academic Improvement Plan. A student's eligibility for all aid will be lost in the next semester if the student does not meet the requirements in the period stated or in the Academic Improvement Plan.

Appeals Process

Students must submit the following to their Student Services Administrator by July 15th:

- A formal appeal letter describing extenuating circumstances describing why progress was not made, and what has changed that will allow for progress to be made at the next evaluation.
- A copy of any Academic Improvement Plan created with the relevant Dean's office demonstrating how SAP will be achieved during the upcoming academic year.

An Enrollment Services SAP Appeal Committee will review all required documentation once submitted. Students will be notified via university email on the outcome of the appeal, normally within ten business days after receipt of the request.

Regaining Eligibility

Students may regain eligibility for aid during the academic year if they reach the minimum standards of SAP. Students who regain eligibility by taking summer courses must notify Enrollment Services to reactivate their aid application. Students who attend courses in the fall and/or winter at Western New England University without the assistance of federal, state or institutional funding and who regain eligibility for the spring should contact Enrollment Services to be reviewed. Students are determined to be eligible for funds based on the timing in which they reach the minimum standards.

PROCEDURES FOR HANDLING PLAGIARISM ALLEGATIONS

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

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

When suspension or dismissal from the University is a consideration, based on two other previous academic integrity cases, the hearing body will be the All-University Disciplinary Board or the Office of the Dean of Students (in the event the Board is not available). The Board's recommendation will be forwarded to the Assistant or Associate Dean of Students for consideration of implementation. The review agent for such cases will be the Vice President for Academic Affairs and Provost. The full procedures of the All-University Disciplinary Board are outlined in the Student Code of Conduct.

PATENT POLICY

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

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

SELECTIVE SERVICE REGISTRATION

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

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

Male students can register for Selective Service at www.sss.gov.

GRADUATION

The University confers degrees four times during the year: August, October, February, and May. However, the only formal commencement ceremony is conducted in May. August, February, and October graduates will receive their diplomas in the mail shortly after the graduation date.

Please note that all graduating seniors must indicate on the Degree Application their intention to graduate and to participate in the May commencement. Changes must be reported to ENROLLMENT SERVICES.

CONFIDENTIALITY OF STUDENT RECORDS

Western New England University adheres to a policy of compliance with the Family Educational Rights Privacy Act (FERPA). This policy:

- permits students to inspect their educational records
- limits the disclosure of information from educational records; and
- provides students with the opportunity to seek correction of their educational records when appropriate.

I. Definitions

   A. Student is defined as one who has attended or is attending Western New England University and whose records are in the files of the University.

   B. Educational records include those records that contain information directly related to a student and are maintained as official files by the University. The following are not educational records:

      1. records about students made by professors or administrators for their own use and not shown to others;
      2. campus police records maintained solely for law enforcement purposes and kept separate from educational records;
      3. employment records, except where a currently enrolled student is employed as a result of her/her status as a student;
      4. records of a physician, psychologist, or other recognized professional or paraprofessional made or used only for treatment purposes and available only to persons providing treatment;
      5. records that contain only information relating to a person's activities after that person is no longer a student at the University.

   C. Directory information is limited to name, addresses, telephone number, email address, photograph, major field of study, participation in recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards, activities, and other institutions recently attended.

   D. Record means any information or data recorded in any medium, including but not limited to handwritten or printed materials, tapes, computerized information, or

film.

II. Student Right of Access - Students may inspect and review their educational records in accordance with the procedure outlined here. The University reserves the right to deny students access to the following records:

A. Financial statements of the student's parents;

B Letters of recommendation received prior to January 1, 1975; and

C. Records that are excluded from the FERPA definition for educational records (defined above)

III. Recommendations and References - A student may waive her/his right of access to confidential recommendations in three areas: admission to the University; job placement; and receipt of honors and awards. The University will not require such waivers as a condition for admission or receipt of any service of benefit normally provided to students.

IV. Types and Locations of Educational References

A. Academic Records (Student Administrative Services): This file includes a student's official transcript, admission application and supporting credentials, and records of actions affecting academic status (e.g., petitions and corrections of academic records). Transcripts are maintained permanently.

B. Student Progress File (Dean of Students Office): This file includes correspondence, notations of disciplinary actions, housing records, and student activity records.

C. Financial Aid and Student Loans (Student Administrative Services): This file contains financial aid applications, needs analysis statements, correspondence, and awards made.

D. Student Placement Records (Career Development Center): This file contains recommendations, unofficial copies of academic records, and correspondence.

E. Health Records (Health Services or Counseling Services)

V. Procedure for Access to Records

Requests for access specifying the records to be inspected should be made in writing to the office maintaining the file. The University will comply with the request within a reasonable time, at most within 45 days. In the usual case, arrangements will be made for the student to read her/his records in the presence of a staff member.

VI. Request for Copies of Records

A student may also obtain copies of their records by paying reproduction costs of $.25 per page. Requests for copies should be made in writing to the office maintaining the file. The University will comply with the request within a reasonable time, at most within 45 days. The University will not provide copies of transcripts from other schools. (This does not include Student Code of Conduct Files).

The University reserves the right to deny copies of transcripts or educational records if the student has an unpaid financial obligation to the University or where there is an unresolved disciplinary action against the student.

VII. Policy on Release of Information

The University will disclose information from a student's educational records only with the written consent of the student, except:

A. To University officials who are legitimate educational interests in the records;

1. University official refers to any person who is a trustee, officer, agent, or employee of the University;

2. A University official has a legitimate educational interest if the official is performing an authorized task, activity, or determination on behalf of the University and for which the information contained in the educational record is necessary or appropriate. Tasks, activities, or determinations include those relating to a student's education, the discipline of a student, and the mission of the University.

B. To officials of another school in which a student seeks enrollment; upon their written request, the student will be provided with a copy of the records that have been transferred;

C. To federal, state, and local governmental authorities, in connection with publicly supported education programs, or in connection with the enforcement of, or compliance with, legal requirements;

D. To organizations or persons conducting educational research, if access to personal data is limited and such data is destroyed upon completion of studies;

E. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid or to enforce the terms of the aid;

F. To parents of an eligible student who claim the student as a dependent for income tax purposes;

G. To accrediting organizations for the purpose of carrying out their functions;

H. To state and local officials to whom such information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974;

I. To appropriate parties in connection with an emergency, where knowledge of the information is necessary to protect the health or safety of the student or other individuals; and

J. In response to a court order or subpoena; the University will make reasonable efforts to notify the student before complying with a court order.

VIII. Record of Requests for Disclosure

The University will maintain a record of all requests for and/or disclosures of information from a student's educational record. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information.

IX. Directory Information

The University may disclose directory information without the student's prior consent, unless notified at the beginning of the semester. An Information Waiver Form is available in Enrollment Services for that purpose.

X. Correction of Educational Records

Students may ask to have records that they believe are inaccurate, misleading, or in violation of their privacy rights corrected. Students do not have the right to use this process to challenge substantive judgments (e.g., a grade assignment or disciplinary action) that are correctly recorded. The procedures for the correction of records is as follows:

A. Students who believe that the information contained in their educational record is inaccurate, misleading, or in violation of their privacy rights may submit a written request to Enrollment Services specifying the document(s) being challenged and the basis for the complaint. The request will be sent to the responsible person at the origin of the record in question. Within a reasonable period of time of receipt of the

request, the University will decide whether to amend the records in accordance with the request. If the decision to amend is refused, the student will be notified and advised of her/his right to an appeal hearing.

B. Upon a request by a student, the University will provide an opportunity for a hearing to challenge the content of the student's record. A request for a hearing should be submitted in writing to Enrollment Services within a reasonable time of receipt of the request, the student will be notified in writing of the date, place, and time of the hearing. A University official who does not have a direct interest in the outcome will conduct the hearing. The student will have a full and fair opportunity to present evidence relevant to the issues raised. A member of the University community or an attorney (at the student's expense) may assist the student. The University official conducting the hearing will make a recommendation to Enrollment Services after consideration of all relevant information.

C. Within a reasonable period of time following the conclusion of the hearing, the University will notify the student in writing of its decision. The decision will be based solely on the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. If the University decides that the information on the student's record is inaccurate, misleading, or a violation of the student's privacy rights, the University will amend the records accordingly.

D. If the University decides that the information is inaccurate, misleading, or a violation of the student's privacy rights, the University will inform the student of the right to place in her/his record a statement commenting on the information and/or explaining the reasons for her/his disagreement with the University. Any such explanation will be kept as part of the student's record as long as the contested portion is kept and will be disclosed whenever the contested portion of the record is disclosed.

SUMMER SCHOOL AND STUDY AT OTHER INSTITUTIONS

If students desire to take courses during the summer at another college or university, they must obtain a description of the course they wish to take from an appropriate catalog or some other official source. Students must then obtain written approval from their academic Dean.

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

TRANSCRIPTS

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

(updated 6/2019)

Student Code of Conduct and Other Policies

STUDENT CODE OF CONDUCT AND OTHER POLICIES

(REVISIONS MADE DURING THE ACADEMIC YEAR CAN BE FOUND AT http://www1.wne.edu/student-affairs/)

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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, gender identity, genetics, 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://www1.wne.edu/title-ix/index.cfm

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, genetics, or veteran's status. A bias-based incident is an event which has the intent or effect of demeaning or degrading an individual or group and is motivated in whole or in part by the perpetrator's personal bias. Certain bias-based incidents may also be violations of state and/or federal discrimination laws. Although not an exhaustive list, bias-based incidents may take the form of:

- Threatening written, verbal, or electronic communication
- Graffiti
- Physical assault
- 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 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:

Dr. Jeanne S. Hart-Steffes Vice President for Student Affairs and Dean of Students 413-782-1282 jsteffes@wne.edu	Chief Adam S. Woodrow Director of Public Safety 413-782-1207 awoodrow@wne.edu

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" and off campus

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 sanction-able offenses.

As in any community, there are limits on behavior for the 'common good' of all its members. One intervention tool utilized by and Residence Life is a *communication / violation form*, often referred to as a C/V form that documents 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 and campus-assigned e-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 nonconsensual sexual act or misconduct (Please refer to Discrimination/Harassment/Sexual Misconduct, Title IX Policy and Procedure for definition of "Consent")
- 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, and athletic team 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, and team captains 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, pledges or teammates. 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. Team/team members will also be disciplined accordingly. 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, impairment by, 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 and disposal.

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.
- Possession, use or storage of hoverboards, including in cars, in all university owned or managed buildings, residence halls, dining facilities, grounds and adjacent sidewalks. Such items are subject to confiscation.

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 the Student Code of Conduct and in Section III of this handbook entitled, "Standards and Policies".

- Acceptable Use of Technical Resources
- Social Media Policy
- Gaming Policy
- Alcohol Policy
- Civility Statement
- University Policy and Procedures Prohibiting Discrimination, Harassment, Sexual Misconduct, and Title IX Violation
- Additional Standards and Policies (Americans with Disabilities Act, Controlled Substance Act, Drug Free School Act, Firearms and Weapons Possession, Gambling, Non Discrimination Policy, Parking and Traffic Violations, Smoking Policy, Drone Policy and Title IX,)

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 Provost, and within the website.

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 their beliefs so long as they are expressed in a manner that is respectful of the rights of others. The ideas of others and their right to hold and express those ideas in a civilized manner must likewise be met by civil response from those who may hold opposing positions. The cultural expectations of Western New England University require that each member of our community has the right to be treated with respect and dignity at all times. Persons witnessing an act of bias should provide all possible support to the victim of such activity but should refrain from any act that might lead to an escalation of the situation.

Students are responsible for University policies and procedures regarding incidents of bias. A copy of these policies may be obtained from the Western New England University Policy and Procedures Prohibiting Discrimination, Harassment, Sexual

Misconduct, and Title IX Violations. Grievance Policies and Procedures, within the "Student Code of Conduct" section of the Student Handbook and at the following link http://www1.wne.edu/student-affairs/

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 their 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 they pose a credible danger to others, to property, or to themselves, 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 their 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 their scheduled courses; unless otherwise indicated, they 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: 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 University business. Included in these services are personal computer accounts, access to e-mail, voice communications and voice mail, television, audio, and video services, disk space, network services, and desktop technologies.

The 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 e-mail 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.

Updated as of (5/2018)

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 their resulting behavior. As part of the educational process, personal accountability includes acceptance of the consequences for violating specific standards of behavior in the University's Alcohol Policy and Student Code of Conduct, as well as other learning-based outcomes, which may include a referral for

substance use/abuse counseling.

For information on judicial proceedings, please refer to Section Four and Five 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 they return 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 Staff.
   4. All guests must be of the legal age to consume alcohol, and substantial food (as indicated on the request form) must be provided.

5. If the social event is occurring in student housing that has both of-age and underage residents, the only underage students allowed on site are the residents of the host's townhouse/ apartment and may not consume alcohol.

B. Types of Alcohol

Alcohol is limited to beer, malt beverages, and/or wine at any approved social event. Only the amount and type of alcohol that was approved may be provided or consumed at the event. This may not include any alcohol previously purchased for personal consumption.

C. Limitations on Alcohol

The University reserves the right to place limits on the amount of alcohol available at any University-approved function.

D. Physical Area

Approval for alcohol at social functions will indicate the specific area designated for service use or consumption. The sponsoring organization or individual(s) is/are responsible for restricting access to, and activity in, the area.

E. Service Portions

Alcoholic beverages, when permitted, will be in single servings only. Pitchers, open bars, and self-service bars are not permitted. Registered social events occurring in of age residence areas may not include the use of alcoholic beverages in glass containers. This policy exists to reduce the risk of personal injury from broken glass.

F. Bring Your Own Bottle (BYOB) Parties

BYOB situations are strictly prohibited. No alcohol other than beer, malt beverages, and/or wine supplied by the sponsor (and only those beverages previously approved for distribution) may be brought into, dispersed or consumed at University functions.

G. Availability of Food and Alternatives to Alcohol

Appropriate non-alcoholic beverage alternatives, as well as reasonable amounts of substantial food, must be readily and prominently available at functions where alcohol has been approved.

H. Supervisory Responsibilities

When alcohol is approved for use at approved social events, the sponsoring organization or individual(s) assumes responsibility for supervising and ensuring that the laws of the Commonwealth and the policies of the University are obeyed. If necessary, it is the responsibility of the sponsoring organization or individual(s) to seek the aid of University officials in ensuring that the laws of the Commonwealth and the policies of the University are obeyed.

Care should be taken in such situations to assure reasonableness of actions and adherence to appropriate laws and regulations, with particular concern for assumed liability for service to minors and consumption of alcohol by their guests.

All students serving alcohol in their place of residence are responsible for obeying the laws of the Commonwealth of Massachusetts, as well as the regulations of the University. As host(s) of the social event, the student(s) is/are responsible, as well as fiscally and judicially accountable, for their visitors and the behavior of those visitors. A visitor is defined as anyone other than the actual residents of the space where the social event is occurring. Accordingly, hosts, as well as other residents, may be held accountable for the actions of fellow Western New England University students, and/or non-students, socializing at their place of residence.

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

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

2. Underage guests of visitors may not be present when alcohol is being consumed.
3. Invited guests may not bring their own alcoholic beverages (no BYOB); and
4. 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 (e.g. .bags, backpacks, laundry baskets, boxes, and other containers.) Alcohol and alcohol paraphernalia may be confiscated and disposed of by University officials. This includes funnels and drinking game materials. Alcohol may be confiscated from of-age residents, guests or visitors if it is evident underage or otherwise irresponsible consumption of alcohol has occurred or is likely to occur.

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 graduate student at the University, while a 'visitor' is an undergraduate or graduate student at the University who is not assigned to the particular location that they are 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 graduate student at the University as well, they 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

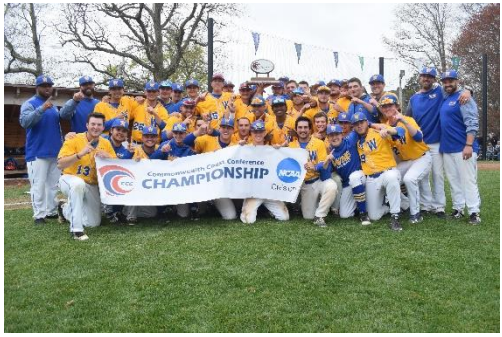
The presence of an overnight guest or visitor should normally not exceed two consecutive nights or four nights in any seven day period. Displacement of other occupant(s) of the

living space, or causing inconvenience to 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 6/2019)


Commonwealth Coast Conference
CHAMPIONSHIP
NCAA

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.

AMPLIFIED MUSIC POLICY

Members of our community are utilizing wireless speakers to listen to music rather than using personal headphones. The use of such devices has drawn concerns from others as the music being played has been very loud and disruptive. These speaker systems should not be used within the public University buildings (all academic buildings, campus center, library), other than those that are part of an approved event taking place. Please use headphones while listening to your music.

(updated as of 5/2019)

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 ENROLLMENT SERVICES. No fees of any kind will be charged by the institution for making such programs available to any student. No adverse or prejudicial effects should result to any student choosing to take advantage of the provisions of this Act.

DRONE POLICY

Drones or Unmanned Aircraft Systems (UAS) or Unmanned Aircraft Vehicles (UAV) Policy

Policy Statement:

The operation of a drone, an unmanned aircraft system (UAS) or an unmanned aircraft vehicle (UAV), herein called "drone" is regulated by the Federal Aviation Administration (FAA). Operation by any person of a drone from or above the campus, is governed by this policy. The scope of this policy applies to, but is not limited to, the operation of drones on or over the lands of Western New England University property, University controlled property, or for University-affiliated events held elsewhere and is applicable to all employees, students, contractors, volunteers, and guests. The scope of this policy encompasses civil, commercial, hobby or research purposes. This policy does not apply to use by law enforcement within the scope of their duties.

This policy is established to require and ensure compliance with ALL applicable laws, reduces safety risks, and preserves the security and privacy of members of the Western New England University community. Any Western New England University student or employee wishing to operate a drone on the University campus as defined above:

For educational, hobby or educational use:

- Must obtain prior approval from Public Safety at least 48 hours prior to the use of the drone. (The applicant will be notified of approval in writing and advised if any additional restrictions will be necessary.)
- Must file a "flight plan" with Public Safety that provides date/time, purpose, and duration of drone operation, as well as the operational area of the campus where the drone will be used.
- Must comply with all federal and state laws.
- Must operate the drone in a responsible manner.
- Must not operate over areas of public assembly, stadium, or areas of construction.
- Must not photograph/video or monitor areas where other members of the Western New England University community would have a reasonable expectation of privacy, such as, locker rooms, restrooms, individual residence rooms, or other private areas.
- Any violations of law (trespassing/illegal surveillance) or violations of University policies may subject the individual to both criminal and/or disciplinary action. Damages/injuries occurring to University property or individuals will be the responsibility of the drone operator.

For commercial use:

- A commercially owned (for hire) drone requires an FAA Sec.333 Exemption or a Special Airworthiness Certificate (www.faa.gov) must first obtain an authorization from the FAA for a **Section 333 Exemption** via registermyUAS.faa.gov.
- A commercially owned (for hire) drone operator must file a certificate of insurance with the University (Office of the Vice President for Finance and Administration) naming Western New England University as the additionally insured. Liability insurance coverage must be for $1M.
- A contract operator must be accompanied by a representative of the University at all times while operating a drone.

Guidelines

1. Drones may not be operated in any way that would create a public safety hazard, an undue hazard to property or privacy, or in such a way that unduly affects the environment of those working or living within a building, to those entering or exiting a building, or those moving about the property. More information can be found at www.knowbeforeyoufly.com
2. Operators must be under the control of the aircraft at all times, remain within the line of sight of the aircraft, and flown only during daylight hours.
3. Drones may not be operated directly above public open-air events (over crowds or sporting events), inside or directly above any public building or above public access road with or without traffic.
4. Drones cannot be flown within 30 feet of a building or other structure.
5. The Director of Public Safety, or their designee, reserves the right to rescind the approved use of a drone at any time and/or for any reason.
6. Per FAA regulations, drones may not exceed a flying height of 400 feet or be operated within a 5 mile radius of any airport designated by the FAA without prior

notice by the drone owner to the airport operator and/or air traffic controller.

7. There may be liability and property insurance considerations for bodily injury, personal injury, and property damage depending upon the size, weight, and flying altitude of the drone; privacy violations or other unlawful use. It is the responsibility of the owner and/or operator of each drone in each instance to assure these considerations are taken into account and addressed at all times.
8. The flight plan will include the following information:
   - **a)** Equipment to be used including make, model and weight, date and time to be used.
   - **b)** specific location (flight path)
   - **c)** purpose of the flight
   - **d)** the identity of the operator with contact information for the pilot
   - **e)** data to be collected
   - **f)** a hard copy of the proof of registration from the FAA
   - **g)** If the intent of the flight is to collect photography or video this must be stated in the plan.
9. Metal blade propellers are prohibited at all times.
10. Do not operate while under the influence of alcohol or drugs.
11. Drones may not be flown during inclement weather or when wind speed would jeopardize operational control.
12. Commercial operators must have proof of FAA registration in possession during flight operations. This certificate can be provided to the requestor in print or electronic format. More information can be found at www.faa.gov/uas
13. Commercial drones must have their unique FAA registration number visibly displayed on the aircraft.

At the direction of a University Public Safety Officer, a flight can be terminated at any time.

Policy created 5/18

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. They must be registered and stored at Public Safety.
5. The University also prohibits any member of the community from carrying on their person or under their 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 10(J),

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 or pocket-style knives with a blade length of three inches or greater; swords; pointed metal darts; (unauthorized) pepper spray or tasers; 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 and disposal. Such confiscated items will not be returned.

[1] M.G.L. c. 269, §10J.

(updated 6/2019)

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	Controller's Office
(413) 796-2005	(413) 796-2334

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, genetics or disability in admission to, access to, treatment in or employment in its programs and activities. The following person has been designated to handle inquiries regarding 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
J.W. McCormack P.O.C.H., Room 222
Boston, Massachusetts 02109-4557
(617)289-0111

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 Public Safety 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. Public Safety 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 Public Safety, or online at:

http://www1.wne.edu/public-safety/need-to-know.cfm

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 the use of any devices such as a hookah, electronic cigarettes or vapor smoking devices. Smoking is prohibited within twenty-five feet of a main exit or entrance or operable window or vent of a University-owned, occupied or leased building and 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. Should any person(s) set off a fire alarm by smoking, vaping, burning incense or candles in a residence hall they shall be subject to the Code of Student Conduct and also receive a fine of $100.00 fine for the first offense and $250.00 for the next offenses.

"All members of the University community and guests are expected to observe the smoke free areas on campus."
(updated 6/2019)

SOCIAL MEDIA POLICY

Social networking via Facebook, Twitter, Google+, YouTube, Flickr, InstaGram, Snapchat, Tumblr 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/information-technology/policies_doc/acceptable-use-policy.cfm
and the University Policy and Procedures Prohibiting Discrimination, Harassment, Sexual Misconduct, and Title IX Violations and Grievance Procedures:
http://www1.wne.edu/title-ix/index.cfm

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 05/2019)

WINDOW AND BANNER POLICY

Unless approved for University purposes and authorized in advance, posting is not permitted in residence hall windows. The University also reserves the right to require the removal of posted materials in public view that may be deemed threatening, offensive, insulting or might otherwise lead to incivility between members of our community. Banners may not be hung from windows or on the side of residence halls/houses/apartments without approval from Residence Life/Dean of Students.

(updated 5/2019

Sexual Harassment and Sexual Misconduct Policy

Discrimination and Harassment:

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

Sexual Assault:

The term 'sexual assault' means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the Complainant lacks capacity to consent*.

Sexual assault includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent; or other intentional sexual contact with another person without that person's consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

Sexual Harassment:

The Western New England University community defines sexual harassment as:

- unwelcome, gender-based verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- has the effect of unreasonably interfering with, denying or limiting someone's ability to participate in or benefit from the University's educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment or retaliation.

In Massachusetts, the legal definition for sexual harassment is: sexual advances, requests for sexual favors, and verbal or physical conduct of a 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 or as a basis for employment decisions; 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 environment.

Sexual Misconduct:

A violation of this policy may occur if one party engages in sexual activity with another party without effective consent*. In order for individuals to engage in sexual activity of any kind with each other, there must be clear, knowing and effective consent prior to and during sexual activity.

Dating Violence:

Dating violence means violence by a person who has been in a social, romantic or intimate relationship with the Complainant. Whether there was such a relationship will be gauged by its length, type, and frequency or interaction.

Domestic Violence:

Domestic violence means a felony or misdemeanor crime of violence committed by the Complainant's current or former spouse, current or former cohabitant (roommate, apartment or suite mate), persons similarly situated under domestic or family violence laws, or anyone else protected under domestic or family violence laws.

Stalking:

Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for their, or others' safety, or to suffer substantial emotional distress.

Other Offenses (that may fall under Title IX as prohibited):

Harassment

- Conduct that is threatening or causing physical harm, extreme verbal abuse, or other behavior which threatens or endangers the health or safety of any person based on gender
- Demonstrating abusive behavior toward another person, including but not limited to verbal or written statements including Internet/electronic communications (that is not speech or conduct otherwise protected by the 1st Amendment).

Discrimination

Actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender; **Intimidation**

implied threats or acts that cause an unreasonable fear of harm in another; **Hazing**

- Acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);

Bullying

- Repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).

Effective Consent

- Consent is effective when a person is able to make free, informed, and reasonable choices and decisions, and is not incapacitated by intoxication or other drug consumption (be it voluntary or otherwise), by disability, or by fear. Consent is effective when it has been clearly communicated. Effective consent may never occur if a person is unconscious, unaware, or otherwise physically helpless.

Retaliation

- Any retaliation against an individual who has complained about discrimination, harassment or retaliation against individuals for cooperating with an

investigation of a discrimination/harassment complaint is unlawful and will not be tolerated.

Source: Western New England University:

http://www1.wne.edu/title-ix/index.cfm

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. Please visit this link for more information: **HTTP://WWW1.WNE.EDU/TITLE-IX/INDEX.CFM**

TITLE IX OFFICE

Title IX Coordinator

Cheryl smith

General Counsel and Title IX Coordinator

csmith@wne.edu

413) 782-1542

Deputy Title IX Officer:

Sean Burke- Student Affairs

Assistant Director, Career Development Center

Sean.burke@wne.edu

(413) 782-1316

Deputy Title IX Officer:

Lori Mayhew-Wood – AThletics

Associate Director of Athletics

Lori.mayhew@wne.edu

(413) 796-2230

(updated 6/2019)

Section Four:
Overview of the Student Judicial System

SECTION FOUR:
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 University Policy and Procedures Prohibiting Discrimination, Harassment, Sexual Misconduct, and Title IX Violations http://www1.wne.edu/title-ix/index.cfm

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.

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.

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 Public Safety officer) may present a summary report based on their 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 Associate Dean of Students/Student Activities and Leadership Development, the Assistant Dean of Students and Director of 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 University 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 or Associate Dean of Students for consideration and approval. Requests for review of decisions conveyed by the Assistant or Associate 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 or Associate Dean of Students) serves as the original hearing body. Requests for review of decisions of suspension or dismissal conveyed by the Assistant or Associate Dean of Students may be made only to the Vice President for Student Affairs and Dean of Students. In academic integrity cases, the appeal would be heard by the Vice President of Academic Affairs and Provost.

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 and Director of Residence Life, the Associate 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 Associate 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 Assistant Dean of Students and Director of Residence Life) 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
- Offenses of academic dishonesty: 1-3 years

These time ranges may be assigned consecutively or concurrently. A dismissed student may petition to delete this notation from their 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 they have violated the Student Code of Conduct. A warning may be taken into account in judging the seriousness or determining sanctions for future violations. The University reserves the right to put the status in abeyance. This means the status is on hold. Any further misconduct, and may result in immediate implementation without right to an appeal.

G. Educational Sanctions

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

H. Campus Restrictions and/or Modifications

Re-assignments to housing or restrictions from varied residential areas may be imposed as part of sanction.

I. 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.

J. 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 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 FIVE: 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 (a more likely than not premise.) 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, they may consider, but are 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 Two: Article III: Items A-D)

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 they are 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 them 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 them;

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 within 72 hours of the pre-hearing. If a witness cannot attend, they must submit a written statement to the pre-hearing officer within that 72 hours. Recognize that a failure of one or more of these person(s) to attend will not delay the hearing itself.
6. Providing or presenting, if they so choose, 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 their 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 and Director of Residence Life or the Associate Dean of Students/Student Activities and Leadership Development.
2. The Respondent may elect to have the case heard by the All-University Disciplinary Board (AUDB).
3. If an alleged offense includes either sexual harassment or sexual misconduct, an administrative hearing may include male and/or female administrator(s) serving as hearing officer(s), as circumstances warrant. The AUDB is not an option for this type of hearing. (Refer to Article VII Below)
4. The Respondent must select a hearing body (administrative officer or AUDB) within 72 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.

D. In the event that the University is not in session or the AUDB 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. Advisors are permitted to attend meetings and hearings, but may not speak during a hearing. The hearing officer, at their discretion, may seek out clarification or information from the advisor.
3. 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.

4. If a parent or legal guardian believes that they have first-hand information about an incident or situation, they may prepare a written statement that the student may provide to the administrative 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. Respondents 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 at the time of the hearing; or
   c. the sanction is inconsistent with the gravity of the offense.
2. A Respondent must submit to the Vice President for Student Affairs and Dean of Students, or their 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.
3. Reviews will be made by the Vice President for Student Affairs and Dean of Students, or their designee, who will review a report of the hearing and additional relevant information provided by the respondent.

4. The Vice President for Student Affairs and Dean of Students, or their designee, can affirm the original findings and sanction(s), or can impose a new decision and sanction(s). In this regard, their decision may either increase or decrease the severity of the original outcome.
5. The decision of the Vice President for Student Affairs and Dean of Students, or their 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 Two: Article III: Items E-I)

A. Informal Resolution

In many cases, the Respondent can meet with the administrative officer and agree that the Student 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 certain cases involving sexual harassment or misconduct.

B. 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, 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 themselves;
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).

C. 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 them 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 72 hours in advance) who have been requested to attend the hearing (for cases referred to the Peer Review Board).

D. In cases where an informal resolution cannot be reached or the administrative officer believes that student input would be valuable, they 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.

E. 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 Associate or Assistant Dean of Students rather than the Vice President for Student Affairs and Dean of Students.

F. Cases Involving Sexual Harassment or Misconduct

Refer to Article VII

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 notifying Public Safety (413-782-1411) who will contact the Director of Health Services. The Director will contact the student to arrange a time and place of testing.

If the student so chooses, the results of the drug test may be submitted as new information for consideration of a student-initiated request for further review (an appeal.) 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.

ARTICLE VII: TITLE IX INVESTIGATIONS AND CASE RESOLUTION

A. TITLE IX

Title IX is federal legislation that states "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Because the University's primary concern is student safety, minor alcohol

and drug violations by a Complainant will be handled informally whenever possible. The use of alcohol and other drugs never makes an individual at fault for sexual violence.

B. REVIEW AND ASSIGNMENT

1. Once an incident is reported, reports of alleged misconduct are reviewed by the Title IX Coordinator. If necessary, they consult with the Vice President for Student Affairs/Dean of Students, and Deputy Title IX Coordinators or their designee, to determine if interim measures are warranted.
2. Title IX Coordinator and/or Title IX Deputy, assign a Title IX Investigator.
3. Once investigated, investigatory materials and reports are given to Title IX Coordinator with a recommendation. The Title IX Coordinator then determines if the alleged violation(s) requires a referral for an Administrative Educational Conduct Review.
4. Title IX Coordinator designee creates three identical packets of case materials and delivers them to the Vice President for Student Affairs/Dean of Students, or their designee.
5. Vice President for Student Affairs/Dean of Students, or their designee, assigns Review Officers and distributes case materials:
    a. A packet to each Review Officer
    b. One packet for Review Presenter

If applicable, University Counsel provides outreach to attorney(s).

C. RESOLUTION OF GRIEVANCES AND COMPLAINTS

The Review Officers will determine the method in which the case will be resolved after reviewing the materials.

Informal Resolution: The purpose of informal resolution is to implement an appropriate solution acceptable to all parties concerned. **Informal resolution cannot be used in cases of alleged sexual violence, dating violence or domestic violence.** Some examples of informal resolutions include:

- Mediation between the Complainant and Respondent;
- Conducting educational programs for groups or individuals; and
- Modification or access to housing, class, dining, and/or co-curricular schedules and activities.

Formal Resolution: When cases cannot be resolved through informal resolution, an Administrative Educational Review is conducted by male and/or female Review Officers, if practicable. The Review Officers will consider relevant written reports, as well as verbal and/or written statements by the Complainant, Respondent and witnesses (if applicable). Decisions regarding accountability will be based on what is reasonable to believe (a more likely than not premise) that a Title IX or other University policy violation(s) occurred. These Administrative Educational Reviews are audio recorded.

D. PRE-REVIEW PROCESS

Prior to a Formal Resolution, the Complainant and Respondent are entitled to:

1. A Pre-Review informational meeting with the Administrative Officer, during which:

    a. any written, audio and/or video evidence about the alleged misconduct will be reviewed and explained;

b. a written outline of the administrative educational review is provided and discussed;

c. a written statement identifying the section of the Student Code of Conduct that was allegedly violated and the range of sanction(s) that might apply.

2. The Complainant(s) and Respondent(s) will receive written notice a minimum of two business days in advance of the administrative educational process, unless circumstances warrant otherwise. Circumstances are determined at the discretion of the Review Officers. This written notice shall include:

a. the name(s) of person(s) asked to attend the Administrative Educational Review by the University;

b. the date, time and location of the Review; and

c. the specific charge(s) relating to the alleged misconduct.

3. If the Complainant(s) and/or Respondent(s) does not appear for a scheduled meeting (and does not contact the 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 them after the meeting, the University will proceed with the Administrative Educational Review.

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

a. Cooperating with University officials during the Administrative Educational Review process;

b. Notifying the University of any change in residence or address, including phone number and email address to contact them;

c. Reviewing all case materials and obtain clarification in advance, if necessary;

d. Attending scheduled meetings and Review on time;

e. Providing, in accordance with University procedures, a list of witnesses and/or advisor(s) requested to attend a review within 72 hours of the pre-review. If a witness cannot attend, they must submit a written statement to the pre-review officer within that 72 hours. A failure of one or more of these person(s) to attend will not delay the hearing itself. A witness may be a parent, legal guardian or non-University affiliated individual; however, they must have first-hand information pertaining to this matter.

f. Providing or presenting, if they so choose, a written statement at the time of the Review.

g. Failure to appear for a prehearing meeting by the Complainant(s) or Respondent(s) may result in the scheduling of an Administrative Educational Review without the opportunity to review the information beforehand.

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

5. Entitlement to an Advisor:

a. Any student who is a Respondent who has allegedly violated one or more of the University's behavioral standards and is involved in a Review 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. An Advisor may be a friend, faculty member, family member or legal counsel. The Advisor cannot be a witness.

b. Any student who is a Complainant and is involved in a Review may seek assistance from an Advisor of the student's choice. An Advisor may be a friend, faculty member, family member or legal counsel. The Advisor cannot be a witness.

c. Advisors are permitted to attend all parts of the process, but may not speak. The Review Officer, at their discretion, may seek out clarification or information from the Advisor.

d. The Complainant or Respondent must be present for their Advisor to participate in any portion of the process.

e. The Complainant(s) and Respondent (s) must submit the name of the Advisor within 72 hours after the pre-review.

E. ADMINISTRATIVE EDUCATIONAL REVIEW PROCEDURES

1. The Administrative Officer, creates the charge letter outlining:
    a. the date/time/location of the Review;
    b. Review Officers' names;
    c. alleged violation(s);
    d. the witnesses for the University, Complainant and Respondent; and
    e. Advisors for the Complainant and Respondent.

This letter, as well as a pamphlet outlining the Review process, is hand delivered and emailed directly to the Complainant and Respondent.

2. The Administrative Officer contacts the witnesses of the University to inform them of the date, time and location of the hearing.
    a. Each Advisor is given an outline regarding their role in the hearing.
    b. If the Advisor is a practicing attorney, University Counsel will contact them and review the hearing process. A copy of the process with attorney expectations is also shared.
3. The witnesses are brought into the waiting room, whereby the expectations are set forth, in writing, for their role.
4. Both Complainant and Respondent and their Advisors are present throughout the hearing, if they elect to do so.
5. The Complainant and Respondent are asked if they are able to participate freely, without assistance (ADA compliance).
6. The alleged violations are reviewed. The role of the Advisor and other expectations are presented verbally to the Complainant and Respondent by the Review Officers.
7. The Complainant and Respondent provide, verbally and in writing, an opening statement.
8. The Administrative Officer reads an opening statement.
9. The Administrative Officer invites witnesses individually to verbally share their information. The Complainant's and the Respondent's questions for witnesses are channeled through the Review Officers.

10. The Review Officers may refuse to hear any evidence that they deem irrelevant or unreliable. The Review Officers 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.**
11. Upon completion of Review all information pertinent to the situation, the Review Officers indicate if a witness needs to be recalled for further questioning.
12. If no further questioning is needed, the Complainant and Respondent provide a closing statement.
13. The Administrative Officer provides a closing statement.
14. **All notes from the Administrative Officer, the Respondent, the Complainant and the Advisor(s) are collected by the Review Officers.**
15. All parties, except for Review Officers, are excused. The Review Officers will meet in closed session to deliberate. The Complainant and Respondent are not entitled to hear the Review Officers' deliberations.

F. NOTICE OF DECISION

The Review Officers will notify the Complainant and Respondent of the decision (and sanctions, if any) within three working days of the date the Administrative Educational Review(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.

G. REVIEW OF DECISION

A Right to Appeal and Waiver

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

Grounds for Appeal

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

- when the sanction is inconsistent with the gravity of the offense;
- when new evidence that was not available at the time of the Review becomes available within the above referenced three (3) business day period; or
- when there has been a substantial and material procedural error during the Review process.

Process of Appeal

Initial Appeal Submission

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

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

Determining if the Appeal has Grounds

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

The Right for a Response

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

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

Decision of Appeal

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

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

- affirm the Review Officers' decision;
- reverse the Review Officers' decision;
- modify the sanctions imposed or not imposed; or
- remand the matter for further investigation and/or consideration by the Review Officers (only applicable when there is new evidence or there is a substantial and/or material procedural error).

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

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

University Policy and Procedures Prohibiting Harassment, Sexual Misconduct and Title IX Violations

UNIVERSITY POLICY AND PROCEDURES PROHIBITING DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, AND TITLE IX VIOLATIONS

INTRODUCTION

Western New England University is committed to the principle of equal opportunity in education and employment. The University prohibits discrimination against any employee, applicant for employment, student or applicant for admission on the basis of any protected class. Protected classes include: age, color, creed, disability, ethnicity, gender identity, gender expression, genetics, national origin, pregnancy, race, religion, ancestry, sex, sexual orientation, genetics, active military or veteran status or any other protected category under applicable federal and state or local law.

The University provides equal access and participation in all University activities without regard to sex. Sexual misconduct including sexual harassment, sexual assault and sexual exploitation are forms of sex discrimination and prohibited under Title IX of the Higher Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and Chapters 151B and 151C of the Massachusetts General Laws. If this conduct occurs off campus, it may fall under the purview of Title IX and Title VII and the University reserves the right to act on incidents occurring off campus.

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

Because the University takes allegations of discrimination/harassment seriously, the University will respond promptly to complaints of discrimination/harassment and will take appropriate action where it is determined that such inappropriate conduct has occurred. Furthermore, the University will act promptly to eliminate the conduct and impose such corrective action and sanctions as necessary.

This policy applies to any individual of either sex who participates in the University community as a student, faculty, staff member, visitor or any other persons having dealings with the institution."

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

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

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

Title IX Coordinator

Cheryl Smith

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

ADA/504 Coordinator, Equal Employment Opportunity Officer
Joanne Ollson
Assistant Vice President and Director of Human Resources
Rivers Hall, Room 104
(413) 782-1343
Joanne.ollson@wne.edu

Deputy Title IX Officers
Sean Burke- Student Affairs
Associate Director of Residence Life for Operations
St. Germain Campus Center, Room 222
(413) 782-1316
sean.burke@wne.edu

Lori Mayhew-Wood- Athletics
Alumni Healthful Living Center, Room 105B
Associate Director of Athletics/Equipment Director
(413) 796-2227
lori.mayhew@wne.edu

Inquiries may be made externally to:
Office for Civil Rights (OCR)
US Department of Education 400 Maryland Ave SW Washington, DC 20202-1100
Customer Service Hotline # (800) 421-3481
Facsimile (202) 453-6012
TDD# (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

Boston Office-EEOC
John F. Kennedy Federal Building 475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000
Fax: 617-565-3196

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

Massachusetts Commission Against Discrimination (MCAD)
436 Dwight Street, Room 222
Springfield, MA 01103

Accommodation of Disabilities

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

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

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

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

PROHIBTED CONDUCT

Discrimination and Harassment

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

Sexual Misconduct

Engagement in sexual activity with another individual without consent.

Effective Consent

When a person is able to make free and informed, and reasonable choices and decisions, and is not incapacitated by intoxication or other drug consumption (be it voluntary or otherwise), by disability, or by fear. Consent is effective when it has been clearly communicated. Consent may never occur if a person is unconscious, unaware or otherwise physically helpless. Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no”.

Sexual Harassment

The Western New England University community defines sexual harassment as:

- unwelcome, gender-based verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- has the effect of unreasonably interfering with, denying or limiting someone’s ability to participate in or benefit from the university’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment

or retaliation.

In Massachusetts, the legal definition for sexual harassment is: sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- (b) 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 environment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating may also constitute sexual harassment. Sexual harassment can involve a male harasser and female victim, female harasser and male victim, or parties of the same gender or persons who are transgender. Sexual harassment can also take place on the basis of gender identity or sexual orientation.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

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

Western New England University recognizes that our community is not limited to our physical campus and includes “online” and “offline” interactions and postings.

The University, in compliance with the Violence Against Women Reauthorization Act Of 2013 also prohibits conduct as follows:

Sexual Assault:

The term ‘sexual assault’ means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Sexual assault includes, but is not limited to:

- Intentional touching of another person’s intimate parts without that person’s consent; or other intentional sexual contact with another person without that person’s consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent; or
- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s consent.

Domestic Violence:

Crime of violence committed by the Complainant's current or former partner/spouse, current or former cohabitant (roommate, apartment or suitemate), persons similarly situated under domestic or family violence laws, or anyone else protected under domestic or family violence laws.

Dating Violence:

Dating violence means violence by a person who has been in a social, romantic or intimate relationship with the individual. Whether there was such a relationship will be gauged by its length, type, and frequency or interaction.

Stalking:

Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress.

Other Offenses (that may fall under Title IX as prohibited)

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).
- Demonstrating abusive behavior toward another person, including but not limited to verbal or written statements including Internet/electronic communications (that is not speech or conduct otherwise protected by the 1st Amendment).

RETALIATION

Any form of negative behavior, real or perceived, against an individual who has reported discrimination, harassment, or retaliation against individuals.

INTERIM MEASURES

Implementation of measures as deemed necessary in response to allegations of discrimination, harassment or retaliation in order to protect the rights and personal safety of community members. Such measures include but not limited to, modification of living/academic arrangements, escort services, no contact orders, interim suspension, reporting the matter to campus and/or local police.

REPORTING

There are three federal laws that establish responsibilities for employees of universities to report certain types of crimes and incidents, especially sexual misconduct: the Clery Act, Title IX of the Higher Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964. Each of these areas of federal law has a different purpose, but generally the laws are intended to protect members of the campus community, visitors

and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term "responsible employees.

The University has defined all employees, both faculty and staff, as responsible employees (except for health care professionals and any other individuals who are statutorily prohibited from reporting). When an employee becomes aware of an alleged act of sexual harassment, sexual misconduct discrimination, sexual assault, domestic violence, dating violence, or stalking, the employee must promptly contact the Title IX Coordinator or one of the Deputy Coordinators. The Coordinator or Deputy will use the Complaint Reporting Form when gathering the initial information.

If the Complainant does not want to meet with the Title IX Coordinator or Deputy the employee receiving the complaint should print the form and complete with the complainant. The printed form should be hand delivered to the Title IX Coordinator and not sent electronically or through regular campus mail.

If an employee thinks that a Complainant may report an act of sexual misconduct, the employee should inform the Complainant that the University will maintain the privacy of the information to the greatest extent practicable. The employee may be required to report the act and reveal the names of the parties involved. If the Complainant wishes to proceed, the employee should inform the Complainant of the implications of sharing the names of the parties involved, which puts the University on notice.

If the Complainant decides not to share the information with the employee, the employee should refer the complainant to resources on campus who have the ability to maintain confidentiality by virtue of their role. These on-campus resources include the Counseling Center, Health Services and Spiritual Life. Spiritual counselors, professional medical care providers, mental health providers, and those who report to them are under no obligation to report any details to the Title IX Coordinator. Non-professional counselors are not required to report incidents of sexual violence in a way that identifies the victim without the victim's consent. If the Complainant shares the information but indicates they will not participate in the investigative process, the employee must report this information to the Title IX Coordinator.

On-campus resources are available to members of the campus community. There are a number of off campus resources that complainants can be referred to as well. All Complainants should be given a copy of the Harassment, Discrimination and Retaliation Reporting Pamphlet and the Emergency Information and Resources document.

INVESTIGATION

When the University receives a complaint, it will promptly investigate the allegation in a fair and expeditious manner. In compliance with OCR guidelines, the University will complete all investigations within a 60 business day time period which can be extended for appropriate cause by the Title IX Coordinator. At the close of the investigation, the Title IX Coordinator will report that a) the case should proceed under this policy; b) the case should proceed under other student/faculty disciplinary policy; or c) no further action is warranted.

Prior to any Reviews, the investigator will interview all parties and witnesses, compile statements, verify statements, gather documentation, review evidence, conduct research and draft a report to submit to the governing disciplinary board (students) or Review committee (faculty, staff) if one has been convened.

If a student/employee who is party to a Title IX Investigation chooses legal counsel as an advisor, all communication as to process and procedures relevant to the University's

investigation and Review process will be communicated directly to the party's legal counsel by the office of the General Counsel of the University.

RESOLUTION, DISCIPLINARY ACTION AND SANCTIONS

Informal Resolution- Some claims of discrimination and harassment may be resolved informally, these claims do not include incidents of sexual violence. Some examples of informal resolutions include:

- Mediation between the complainant and respondent; and
- Conducting educational programs for groups or individuals.

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

In the event that the informal process does not achieve resolution of the issue, the formal resolution process will be implemented.

When the Respondent is a student the procedure for Resolution of Claims outlined in the Student Code of Conduct will apply (http://www1.wne.edu/student-activities/doc/handbook-2018-2019-final1.pdf).

FORMAL RESOLUTION

When a complaint is resolved through formal resolution, a Discrimination/ Harassment Review Committee will be convened. The Committee will consist of five (5) members of the Western New England community appointed by the President to serve two- year terms. Quorum will be 3 members. The Committee will be comprised of two (2) tenured faculty members referred to the President by the University Senate, one (1) non-exempt staff, one (1) exempt staff, all from different departments. Non- exempt and exempt staff will be selected by the President in consultation with the Assistant Vice President and Director of Human Resources. Replacement of faculty representatives on the Committee will be made by the University Senate. The President will designate a Chair of the Committee, based on such considerations as experience, continuity, and sensitivity to the concerns of those affected by the discrimination/harassment.

At any given time, there should be no more than three (3) persons of the same gender on the Committee. Two (2) additional members who are students will sit on the Committee when a complaint directly involves a student. For complaints involving graduate students, pharmacy students or law students, at least one (1) of the two (2) student members of the Committee will be a graduate student, law student, or pharmacy student as appropriate to the case. Student Committee Members can serve no more than two (2) consecutive one-year terms and will be recommended by the Student Senate Governing Boards.

INITIATION OF THE REVIEW PROCESS

A copy of the complaint along with the investigator's report will be delivered to the Chair of the Committee. The investigator's report will include the respondent's response, witness statements, and all other relevant information documented during the investigation.

Within 10 days of receiving the information, the Chair of the Committee will send a list of

Committee members to both the complainant and respondent. Either party may challenge any member's eligibility for cause in writing to the Chair, within two (2) working days of receiving the list. Any such challenge will be ruled upon by the Chair of the Committee. Any Committee member with previous knowledge of the incident will present that information to the Committee chair. If the Chair is released by challenge or disqualification, the Committee will elect a Chair, pro tempore. If by challenge, disqualification or unavailability, fewer than three (3) members of the Committee remain eligible, another member will be appointed by the President pro tempore.

No Review will be held without the parties being given at least seven (7) calendar day notice. Each party may be accompanied during each session by one (1) advisor. If the advisor is an attorney, the advisor must be informed that they are not acting as legal counsel or advocate. The advisor will not participate in the session, but may observe and consult freely with the person whom they are advising.

Any party who is part of a Title IX proceeding may seek assistance from an advisor of the party's choice who is either a member of the University community (current student, alumnus, faculty member, or staff), family member, or legal counsel. The advisor's role is to provide clarification as to process and procedure, and offer general support to the party. The advisor's role is not to defend, speak on behalf of or otherwise advocate on behalf of, a complainant or respondent.

Advisors are permitted to attend meetings and Reviews, but may not speak during a Review. A Review Officer, at his/her discretion, may seek out clarification from an advisor. Advisors are not permitted to question any witnesses prior to or during a Review. If an advisor has first- hand information as to an incident or situation, the advisor may provide a written statement to the Review Officer at the time of the scheduled hearing. An advisor may write a note to a student party during a review, and may request a brief recess to confer with a student party.

An advisor may review and read the investigative record and take notes. No copies of any investigative materials will be given to the advisor.

Any advisor who in the University's discretion is deemed to be disruptive or disrespectful during any Review, meeting, or through any investigative process, will be asked to remove him/herself from the process. The University will not postpone or continue an investigation, a review, or a meeting because of the removal of an advisor who does not comply with the University's participation guidelines.

CONDUCT OF FORMAL REVIEW

The formal review will be recorded for the Committee's use in deliberations. The recording will not be transcribed but will be stored securely and confidentially by the General Counsel. Upon receipt of signed written request, a copy of the recording will be made available to either party by the General Counsel's office. The Committee alone may question witnesses and parties. Each party has the right to be present for the entirety of the hearing. In the course of the hearing, each party may submit in writing, questions to be asked by the Committee. However, the Committee reserves the right to decline to pursue any such questions. The Respondent has the right to refuse to testify.

The Complainant and Respondent may request witnesses and present documentary evidence. Witnesses will be present at the hearing only when giving testimony. Each party may bring any number of witnesses; however the actual number of witnesses heard will be at the discretion of the Committee. The Committee may refuse to accept or hear any evidence that it deems irrelevant or unreliable. Rules of evidence used in

courts of law are not used in this process.

Findings of the Committee (Preponderance of the evidence Standard)

After the Review, the Committee will find one of the following:

- that it is more likely than not that the alleged violation occurred, or
- that it is more likely than not that the alleged violation did not occur.

DECISIONS AND WRITTEN REPORTS

The Committee will deliberate in closed session to determine whether the responding party is responsible or not responsible for the violation in question. The Committee will base its findings and recommendation on a preponderance of the evidence standard.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator detailing the finding, the evidence heard, and how each member voted. The report should conclude with the recommended sanctions. All findings by the Committee shall be based on a majority vote of the panel. The Committee members must sign the written report.

After consultation with the Title IX Coordinator the employee's immediate supervisor will determine and impose sanctions in writing to the respondent. Disciplinary action will be taken by the respondent's supervisor for staff and Deans of the respective School or College for faculty.

The Title IX Coordinator will inform the party bringing the grievance of the final determination within 2-3 days of the Review. The notification will be made in writing and delivered in person or certified or overnight mail.

SANCTIONS (FACULTY/ADMINISTRATIVE/STAFF)

Sanctions imposed by the Committee will be commensurate with the seriousness of the conduct, and will be adequate and sufficient to demonstrate the University's commitment to taking strong and effective measures to both remedy and prevent further violations. The assessment of the severity of the sanction will be based on both the current case and the Respondent's previous record of misconduct (if applicable). Any sanctions imposed on tenured faculty will be pursuant to the procedures delineated in the appropriate faculty handbook. Sanctions might include, but are not limited to:

- a written apology;
- a transfer or change in department or teaching assignment;
- a warning, meaning a written statement that the Respondent violated this policy, which would be placed in the Respondent's permanent record;
- a referral for counseling and/or training (failure to fulfill the sanctions shall be cause for sanctions of a more serious nature);
- probation for a slated period of time within which the Respondent's rights to participate in University-sponsored activities and/or access to facilities may be limited or removed;
- suspension (with or without pay) meaning a separation from the University for a slated period of time or until specific conditions are met; or
- dismissal, meaning permanent removal from employment or University programs, facilities, and property.

The appropriate administrative officer of the University will be notified of any sanction recommending termination from employment at the University.

SUMMARY SUSPENSION

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. In the event that any individual charged with violation of the University's Equal Opportunity – Nondiscrimination- Harassment Policy is deemed a serious risk to the safety and security of the University and/or its campus community, the University reserves the right to summarily suspend that individual. The University reserves its right to suspend that individual with or without pay and benefits (tenured faculty can only be suspended with pay and benefits) and exclude that individual from campus, except as necessary to participate in the formal hearing process delineated above.

Nothing in this policy shall limit the authority of the University, or any of its constituent parts, to take such actions as the appropriate University officer or Dean or his/her designee deems necessary to protect the physical safety of the members of the University community, or to maintain conditions compatible with the educational process or institutional integrity of the University or any of its constituent parts.

APPEALS (FACULTY/STAFF)

NOTICE OF APPEAL

Respondents and Complainants may appeal by filing written notice with the Title IX Coordinator within 14 calendar days from the day a sanction is or is not imposed. Respondents and Complainants seeking an appeal must specify the grounds for the request. Respondents and Complainants who fail to file an appropriate written request for an appeal within fourteen (14) days waive their rights to appeal.

GROUNDS FOR APPEAL

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

- when a Respondent or Complainant deems the sanction inconsistent with the gravity of the offense, except in the case of termination of employment as provided in the Western New England University Faculty handbook where review is automatic;
- when new evidence that was not available at the time of the hearing becomes available within the above referenced fourteen (14) calendar day period; or
- when there has been a substantial and material procedural error during the hearing process.

REVIEW

A three member appeals panel will be designated by the Title IX Coordinator in consultation with the President of the University. Appeal panel members may not include individuals who had previously been involved in the grievance process. The appeal panel will have the authority to:

- affirm;
- reverse;
- modify the sanctions; or
- remand the matter for further investigation or consideration by the Committee (only available where there is new evidence or where there is a substantial and material procedural error).

The original decision and sanction will stand if the appeal is not timely or is not based on the grounds cited above. After conferring with the appeals panel, the Title IX

Coordinator will deliver a written decision on the appeal to all parties within 3 business days from the review of the appeals panel.

Decisions of the appeals panel are final.

APPEALS FOR TENURED FACULTY ONLY

Should any tenured faculty member at the University desire to pursue an appeal of any actions imposed on them through these procedures, the affected faculty member will avail themselves of procedures delineated in the appropriate faculty handbook.

SUBSTITUTIONS

In the event that the Respondent is the President, the Chairman of the Board of Trustees will receive the report of the Committee and determine, with the Board of Trustees, any sanctions to be imposed in accordance with the Bylaws of Western new England University. The decision of the Board will be final.

CONFIDENTIALITY

Through all investigations and hearings of complaints arising from discrimination and harassment, both formal and informal, the confidentiality of the proceedings and the identities of parties to the complaint shall be protected to the fullest extent practicable under the facts and circumstances of each case.

RIGHTS OF THE COMPLAINANT and RESPONDENT

- The right to be treated with respect by University officials.
- The right to be notified of available counseling, mental health or other services, both on and off campus.
- The right not to be discouraged by University officials from reporting an assault to both on campus and off campus authorities.
- The right to be free from retaliation.
- The right to have a single advisor present during the process.
- The right to be informed in advance, when possible, of any public release of the information regarding the complaint.
- The right to written notice of the outcome and sanction of the hearing.
- The right to a fundamentally fair hearing as defined in these procedures.
- The right to an outcome based solely on the evidence presented during the process.
- The right to be informed in advance, when possible, of any public release of the information regarding the complaint.

TRAINING

The University will offer education programs annually to all employees and students about the topics outlined in this policy. Additionally, the University will offer prevention and awareness programs to all new students and employees as part of the orientation processes.

Revisions

This policy will be reviewed and updated annually by the Title IX Coordinator.

(Updated as of 5/2018)

References

1. Violence Against Women Reauthorization Act Of 2013
2. 20 U.S.C.A. § 1092 (West); 34 C.F.R. § 668.46
3. Violence Against Women Reauthorization Act Of 2013 § 304
4. M.G.L.A. 151B § 4
5. There is no legal definition of consent in Massachusetts.
6. Violence Against Women Reauthorization Act Of 2013
7. White House Task Force to Protect Students from Sexual Assault
8. Violence Against Women Reauthorization Act Of 2013