

# STUDENT HANDBOOK

2020-2021

WESTERN NEW  
ENGLAND UNIVERSITY

## **INTRODUCTION**

Western New England University's policies and regulations are designed to promote the educational mission of the University and to encourage respect for the rights of others within the University community.

The material in this handbook is designed to inform students of the University's expectations for students' behavior and the services available. Students agree to comply with University policies, stated here, and as enacted by appropriate University officials. As responsible adults and representatives of the University, students are accountable for their actions both on and off campus. Membership in the University community does not provide immunity from local, state or federal law.

The University reserves the right to make changes to its policies as necessary.

This Student Handbook presents University Policies in effect at the time of publication and all such policies may be modified by the University at any time.

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# *Chapter I:* *University Policies*

## **I. ACCEPTABLE USE OF TECHNICAL RESOURCES AND POLICIES**

### **a. INTRODUCTION**

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

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

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

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

### **b. ACCOUNT AND ACCESS**

Restrictions include but are not limited to:

- i. Using the University's technical resources to engage in any activities not directly related to the University's academic, research, administrative, co-curricular, or residence life activities;
- ii. Using the University's technical resources to engage in illegal activities including violations of local, state, federal, or international law;
- iii. Using the University's technical resources for storing or transporting copyrighted material, documents/photos/software/music/video or files containing such items;
- iv. Using the University's technical resources with the intent to degrade, incapacitate, or otherwise compromise others use of the University's technological resources;
- v. Connecting devices to the University network without appropriate virus and worm related detection software. All computers must have virus protection software. OIT provides this software at no charge to students;
- vi. Connecting devices other than computers in residence hall network jacks, such prohibited devices include hubs, switches, routers, wireless access points, or other such devices that permit more than one device to connect a single network



- jack. Devices that interfere with other devices or users on the network will be disconnected;
- vii. Interfering with or attempting to interfere with service to the University community by modifying computer hardware in offices, labs, or classrooms; distribution of technology viruses; or intentionally creating resource consuming programs that force denial of service;
- viii. Sharing your account or password with anyone;
- ix. Attempting to gain access to other individual's accounts, private files or email;
- x. Conducting any harassing activities toward University users;
- xi. Revealing or disclosing confidential information.

**c. PRIVACY**

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

**d. EMAIL**

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

**e. FORGERY**

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

**f. ENFORCEMENT**

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

**g. DISCLAIMER**

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

*Updated as of 8/20*

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

**a. INTRODUCTION**

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

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

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

## **b. ALCOHOL POLICY**

### **i. OVERVIEW**

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

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

## ii. GENERAL USAGE OF ALCOHOL

### a. STATEMENT OF EXPECTATIONS

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

### b. RESPONSIBLE USE

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

1. The University considers intoxication as any drinking-related behavior that requires the attention of University staff, including that which causes a disturbance or is a danger to persons or property. Intoxication is not an excuse for erratic, irresponsible behavior directed at one's self, others or to property. Any student who consumes alcohol off-campus, and who is disruptive and/or noticeably intoxicated when they return to campus, can be documented for violation of the alcohol policy as well.

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

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

#### a. Requests for Alcohol

1. Requests for alcohol at University-approved social events in any location other than the legal age residence areas must be received in the Office of Student Involvement and Leadership at least four weeks in advance of the planned event.
2. The Office of Student Involvement and Leadership will approve or deny each request separately. This action will be conveyed in writing to the sponsoring individual or organization.
3. It is the expectation of the University that an on-campus sponsor will attend and monitor the entire event, as well as the service of alcohol. If alcohol is to be sold, a City One-Day License must be obtained and displayed at the function. As follows: a. A minimum of one business week if requested through the Office of Student Involvement and Leadership or b. If on the weekend, requests may be approved at the discretion of the on-duty Residence Life Staff.
4. All guests must be of the legal age to consume alcohol, and substantial food (as indicated on the request form) must be provided.

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

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

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

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

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

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

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

h. Supervisory Responsibilities: When alcohol is approved for use at approved social events, the sponsoring organization or individual(s) assumes responsibility for supervising and ensuring that the laws of the Commonwealth and the policies of the University are obeyed. If necessary, it is the responsibility of the sponsoring organization or individual(s) to seek the aid of University officials in ensuring that the laws of the Commonwealth and the policies of the University are obeyed. Care should be taken in such situations to assure reasonableness of actions and adherence to appropriate laws and regulations, with particular concern for assumed liability for service to minors and consumption of alcohol by their guests. All students serving alcohol in their place of residence are responsible for obeying the laws of the Commonwealth of Massachusetts, as well as the regulations of the University. As host(s) of the social event, the student(s) is/are responsible, as well as fiscally and judicially accountable, for their visitors and the behavior of those visitors. A visitor is defined as anyone other than the actual residents of the space where the social event is occurring. Accordingly, hosts, as well as other residents, may be held accountable for the actions of fellow Western New England University students, and/or non-students, socializing at their place of residence.

#### iv: OTHER BUILDING PROHIBITIONS

Consumption or possession of alcohol is not permitted in any faculty, staff, or administrative lounge or office, classroom or administrative work area at any time.

v: OUTDOOR PROHIBITIONS

Consumption of alcohol is not permitted in any outdoor area of the campus, unless specific written permission has been granted for the event.

vi: OPERATING A MOTOR VEHICLE

Operating a motor vehicle while under the influence of alcohol is prohibited and subject to University, criminal, and civil action.

vii: PROPER IDENTIFICATION

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

viii: PROVISIONS FOR RESIDENTIAL AREAS

a: ALL RESIDENCE AREAS

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

b. OF-AGE RESIDENCE AREAS

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

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

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

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

- v. Alcohol bar set-ups are prohibited, in that the possession of alcohol is restricted to personal consumption in moderation, even in of-age residence areas. Alcoholic beverages should either be refrigerated or stored in University-provided storage space (locations such as the kitchen cabinets or closets) or personal storage space such as a trunk. In-plain-view alcohol displays should be avoided to prevent the appearance of a bar or uncontrolled serving.
- vi. Socializing at a student’s place of residence that involves up to six guests (and is therefore not a social event that must be registered with the University) the following stipulations apply:
  - a. Only under-age residents of that apartment or townhouse may be present;
  - b. Underage guests of visitors may not be present when alcohol is being consumed.
  - c. Invited guests may not bring their own alcoholic beverages (no BYOB); and
  - d. Beverages must be in individual servings (no kegs, pitchers, punch bowls, etc.).
- vii. If it is reasonable to believe that a large quantity and/or common source of alcohol is intended for an unregistered social event in an “of-age” residence area, the University reserves the right to inspect vehicles and personal belongings (e.g. bags, backpacks, laundry baskets, boxes, and other containers.) Alcohol and alcohol paraphernalia may be confiscated and disposed of by University officials. This includes funnels and drinking game materials. Alcohol may be confiscated from of-age residents, guests or visitors if it is evident underage or otherwise irresponsible consumption of alcohol has occurred or is likely to occur.

**c. UNDER-AGE RESIDENCE AREAS**

- i. To provide a clear and consistent message in underage residence areas, decorations such as neon signs, display cases, and bulk containers that specifically advertise and/or promote alcohol and its use are prohibited. Other items may need to be removed from display, at the University’s judgment and discretion.
- ii. The University reserves the right to inspect vehicles and personal belongings (e.g. bags backpacks, laundry baskets, boxes and other containers.) if it is reasonable to believe that alcohol is present in or intended for an underage residence area. Alcohol will be confiscated and disposed of by University officials.

**c. DRUG POLICY**

**i. Introduction**

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

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

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

ii. Marijuana and Medical Marijuana

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

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

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

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

iii. Drug Testing

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

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

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

The Western New England University community values the health and safety of its members and supports an environment that encourages students to help others who are in need of



assistance. This policy has been established to encourage students to take responsible action when another student or guest is at risk due to the consumption of alcohol and/or drugs or other medical emergencies.

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

**e. SMOKE FREE ENVIRONMENT POLICY**

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

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

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

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

*Updated as of 8/20*

**III. COVID-19**

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

- All community members must recognize that COVID-19 is a contagious, sometimes symptomless, potentially serious, illness.
- There are inherent risks of exposure to COVID-19 at the University which are not specific to the University but common to many situations in which people interact with each other.

The University has implemented safety rules/precautions to decrease the spread of COVID-19. All will abide by these rules/precautions, which are University policy, and include, but are not limited to: wearing personal protective equipment, handwashing, hand sanitizing, COVID-19 testing, and physical distancing. Specific guidance related to how these rules/precautions are to be exercised may change over time as our knowledge of the virus and its transmission is improved.

- All community members diagnosed with COVID-19 at an off-campus health care facility, or experiencing symptoms consistent with COVID-19, such as coughing, fever, and/or loss of taste or smell, will immediately report this information to Western New England

University Health Services at (413) 782-1211 and follow whatever guidelines Health Services requires, including reporting to Health Services for testing and examination.

- All community members diagnosed with COVID-19 will cooperate with all guidelines required by Health Services, which may include but are not limited to, isolation or quarantine at home or on the campus until such time as Health Services determines there is no longer a risk posed to the community.
- All community members diagnosed with COVID-19 will cooperate with the Massachusetts Community Tracing Collaborative, truthfully providing all information requested.
- In addition, in order to provide a safer community, the following VISITATION POLICY is being implemented:

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

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

#### **Exceptions**

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

#### **Residence Hall Visitation**

- Visitors/guests are not allowed in the residence halls; current students/campus members, however, can visit each other in the residence halls.
- In a double room at no time can there be more than 3 current students/campus members visiting in total, in suites and apartments no more than 8 current students/campus members can visit in total.
- Immediate families may visit their resident students in common University areas such as residence hall lounges, University Commons, or in outdoor spaces.
- No overnight visitors or guests are permitted unless they are current Western New England University students.

#### **SOCIALIZING**

To protect the health and safety of the Western New England University community, the following regulations are required and are consistent with those set forth by the Commonwealth of Massachusetts.

#### **On campus:**

Regulations for indoor gatherings in the residence halls are to be consistent with the Campus Visitation Policy, which states there is to be **no more than three person in a double room (traditional hall) and no more than eight people in a suite or apartment (including residents of that living space)**. Residence hall lounges are limited by the posted occupancy rates.

#### **Off campus:**

Outdoor gatherings are limited to 10 persons per 1000 square feet where no occupancy limitation is on record, and never more than 25 persons in an outdoor space.

**Rules for social gatherings:**

- Participants must maintain a 6’ physical distance from participants with the exception of those who are members of the same household. Any gathering that violates the physical distance rule, regardless of the number of participants, will be in violation. The physical distance rules apply to all gatherings in public and private areas.
- All participants must wear a face covering at all gatherings, regardless of location, and not exceed the posted capacity of the room.
- If a member of the community is found in violation of the guidelines, outcomes consistent with those outlined by the Commonwealth of Massachusetts may apply. Student consequences will include the following:

Fine of \$500.00

One semester separation from the University

Please adhere to the expectations to avoid fines and disciplinary action.

At any point that a student is outside of their personal living space (visiting in another’s living environment), students **MUST** wear a face covering (mask).

Updated as of 1/20/21

**IV. DISCRIMINATION, HARASSMENT & BIAS POLICY****a. INTRODUCTION**

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

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

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

**b. CIVILITY STATEMENT**

A distinguishing characteristic of Western New England University is a commitment to civility in all interactions between and among the individuals and groups making up our academic community, as well as in dealings with visitors to the campus and the larger community in which we reside. Any behavior or communication that contains elements of incivility will not be tolerated. When disagreements occur between individuals and/or groups, as they do in all communities, it is expected that the merits of opposing positions will be discussed without resort to insult, personal attack, or bias. Every member of the Western New England University community has the right to their beliefs so long as they

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

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

**c. DISCRIMINATION POLICY**

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

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

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

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

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

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

**e. BYSTANDER INTERVENTION AND REPORTING**

If assistance in resolving a situation is needed, Public Safety should be contacted immediately. If you have experienced or witnessed any act of discrimination, harassment

or bias on the campus, or involving any member of the Western New England University community, information pertaining to this incident should be reported immediately and confidentially to Vice President of Student Affairs and Dean of Students or the Director of Public Safety.

<https://www1.wne.edu/public-safety/bias-reporting-form.cfm>

## **f. DEFINITIONS**

*Harassment/Discrimination*<sup>1</sup>: Harassment constitutes a form of discrimination that is prohibited by law. Members of the Western New England University community, guests and visitors have the right to be free from discrimination and harassment. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University supports a zero-tolerance approach to discrimination, harassment, or bias and complies with all applicable federal and state laws.

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

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

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

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

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

*Updated as of 8/20*

## **V. FERPA**

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1. <sup>1</sup>M.G.L.A. 151B § 4

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

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

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

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

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

## **VI. GAMBLING POLICY**

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

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

## **VII. HAZING POLICY**

### **a. INTRODUCTION**

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

**b. DEFINITION AND MASSACHUSETTS GENERAL LAW**

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

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

**c. ACKNOWLEDGEMENT**

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

**d. SANCTIONS**

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

**e. REPORTING**

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

**VIII. IMMUNIZATION POLICY**

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

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

## **IX. INTELLECTUAL PROPERTY**

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

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

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

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

## **XI. PUBLIC SAFETY**

### **a. INTRODUCTION**

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

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

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

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

#### **i. Introduction**



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

**ii. Limitation of Liability**

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

**iii. Vehicle Parking Permits**

All students, faculty, and staff must obtain a Western New England University parking permit from the Public Safety.

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

**c. UNIVERSITY PHOTO ID**

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

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

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

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

**d. EMERGENCY NOTIFICATIONS AND RAVE ALERTS**

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

**e. FIREARMS AND WEAPONS**

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

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

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

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

**f. DRONE POLICY**

**i. Introduction**

The operation of an unmanned aircraft system (UAS), or drone, is regulated by the Federal Aviation Administration (FAA). This policy is established to require and ensure compliance with all applicable laws, reduces safety risks, and preserves the security and privacy of members of the Western New England University community. The scope of this policy applies to, but is not limited to, the operation of drones on or over the lands of Western New England University property, University controlled property, or for University-affiliated events held elsewhere and is applicable to all employees, students, contractors, volunteers, and guests for civil, commercial, hobby or research purposes. Any violations of

law, including trespassing/illegal surveillance or violations of University policies may subject the individual to both criminal and/or disciplinary action.

Damages/injuries occurring to University property or individuals will be the responsibility of the drone operator.

**ii. Guidelines**

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

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

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

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

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

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

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

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

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

## **XII. RESIDENCE LIFE POLICIES**

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

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

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

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

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

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

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

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

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

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

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

#### **d. DAMAGES/VANDALISM**

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

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

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

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

#### **f. QUIET HOURS**

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

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

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

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

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

#### **h. PETS**

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

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

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

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

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

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

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

## **XIV. STUDENTS WITH DISABILITIES**

### **a. REGISTRATION**

Students with documented disabilities who seek accommodations at Western New England University will need to register with Student Accessibility Services.

<https://www1.wne.edu/student-accessibility-services/index.cfm>

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

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

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

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

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

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

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

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

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

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

*Updated as of 8/20*



# ***Chapter II:***

## ***Student Code of Conduct***

## I. INTRODUCTION

All students at Western New England University are expected to promote the educational mission of the University through individual personal integrity, honesty, respect, and responsibility, both on and off campus.

The Western New England University conduct system is designed to hold students and student organizations accountable for their behavior and that of their guests/visitor, to promote the protection of the University community and property, and to protect the rights of the members of that community to function in a civil and respectful environment.

The Student Code of Conduct is designed to challenge the inappropriate behavior of individuals in a supportive and educational manner that will encourage our students to understand the impact of their behavior on individuals and the community.

### *COVID-19*

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

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

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

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

### **Exceptions**

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

### **Residence Hall Visitation**

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

## **II. JURISDICTION**

The Student Code of Conduct applies to any registered student, residing on or off-campus. All students are responsible for the conduct of their guest while they are on campus.

## **III. DEFINITIONS**

- a. Complainant: is the person, group or the University reporting an incident or act that allegedly violated a policy, procedure or guideline of the University.
- b. Respondent: is the student(s), group(s), or student organization(s) allegedly in violation of the applicable policy, procedure or guideline of the University.
- c. Recipient: the University
- d. University Policies, Rules and/or Regulations: This term refers to the written regulations of the University including, but not limited to: any policy or regulation set forth in official University communication, policies, agreements, handbooks, or websites.
- e. Standard of Proof: the standard of proof is preponderance of the evidence, which simply means that, based upon the information available, it is more likely than not premise that a violation occurred.
- f. Student Code of Conduct: the document that sets forth the rules and regulations relating to conduct of students, including information regarding the type of violation that will subject a student to discipline and the procedures.
- g. Advisor: 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.

- h. Administrative Officer: University representative responsible for implementing the conduct review and outcome.

#### **IV. HEARING BOARDS**

##### **a. 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 Dean of Students and/or the Director of Community Standards and Education for consideration and approval. Requests for review of decisions conveyed by the Assistant Dean of Students and/or the Director of Community Standards and Education may be made only to the Vice President for Student Affairs and Dean of Students. In cases where the University is not in active session and the AUDB has not been established or is not available, or where the University is in session and the AUDB has not been established or is unavailable, the designated administrative officer (the Assistant Dean of Students and/or the Director of Community Standards and Education) serves as the original hearing body. Requests for review of decisions of suspension or dismissal conveyed by the Assistant Dean of Students and/or the Director of Community Standards and Education 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.

##### **b. 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 Director of Community Standards and Education, 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 Director of Community Standards and Education 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 Director of Community Standards and Education and Assistant Dean of Students and Director of Residence Life) serve as the reviewing agent.

## V. VIOLATIONS/CHARGES

Violations of the Student Code of Conduct by a student or student organization, or their guest/visitor, are subject to disciplinary action. Such violations may include, but are not limited to:

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

- a. Stalking, threatening or causing physical harm to another person;
- b. Intentionally or recklessly threatening or causing another person emotional distress;
- c. Intentionally or recklessly demonstrating abusive or harassing 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.);
- d. Any recording (audio and/or visual) of a person without his or her knowledge or consent;
- e. Any actual or threatened nonconsensual sexual act or misconduct;
- f. Possession, distribution of, or selling of any form of false identification;
- g. Possession or use of any device that could result in harm to others.

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

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

### C. Offenses against Property, such as:

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

### D. 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 <https://www1.wne.edu/academic-affairs/demo-course-schedule.cfm>.

### E. Offenses of Possession, such as:

- a. 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

- b. Possession of drug paraphernalia (pipes, bongs, hookahs, clips, scales), whether used, unused, or decorative. Such items are subject to confiscation and disposal.

**F. Offenses that Threaten Campus Order and/or Failure to Comply, such as:**

- a. Creating any safety or health hazard;
- b. 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;
- c. Disrupting the campus living-learning environment;
- d. Disorderly conduct;
- e. Falsely reporting fire or other emergency situations;
- f. Failing to cooperate with reasonable requests by University officials, including Public Safety officers;
- g. Failing to complete assigned educational sanctions in a satisfactory manner;
- h. 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;
- i. Failing to appear before the appropriate disciplinary body on campus when called to do so;
- j. Intentionally furnishing or conveying false or misleading information to any University official;

**G. Accountability for University Policies**

Students may be found responsible for violation of any University policy or regulation set forth in University communications, agreements, handbooks or websites.

**REPORTING ALLEGED CODE OF CONDUCT VIOLATIONS**

Any member of the University community may report an incident by a student(s) or student organization(s) that allegedly violated the Student Code of Conduct. Reports may be made on or on behalf of any member of the University community. Reports may be made orally or in writing to any member of the Vice President for Student Affairs and Dean of Students staff or Public Safety. For cases involving sexual harassment please refer to the Sexual Harassment/Title IX Policy

**VI. INITIAL SCREENING**

Based on the Complainant's report, the Director of Community Standards and Education or their designee 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.

To aid the Administrative Officer in directing each case to the appropriate forum, the Administrative Officer may consider, but are not limited to, any of the following:

- A. Nature and gravity of the offense;

- B. Past disciplinary record; or
- C. Any and all information gathered as a result of a preliminary investigation.

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.

## **VII. NOTICE TO STUDENT**

The appropriate administrator will make a reasonable effort to notify 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.

## **VIII. DISCLOSURE TO PARENTS OR LEGAL GUARDIANS**

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 themselves or other person(s).

The Federal Family and Educational Rights and Privacy Act (FERPA) affords students the right to restrict access to their education records, which includes student conduct records. 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.

## **IX. INTERIM MEASURES**

The University reserves its right to implement measures necessary in response to allegations of violation of the Student Code of Conduct in order to protect the rights and personal safety of community members. Such measures include but are not limited to, modification of living/academic arrangements, Public Safety escort services, no contact orders, interim suspension, and reporting the matter to campus and/or local police.

## **X. CONDUCT REVIEW (up to removal from Residency)**

In many cases, the Respondent can meet with an administrator and discuss the alleged incidents. During the meeting, the Respondent discusses the matter and is given the opportunity to review all materials and discuss their perspective of the situation. The administrator shares the alleged violations and the Respondent either accepts responsibility for each alleged violation, is found in violation of the violation by the administrator, or is found not in violation. Each violation is

determined independently. For example, there may be three alleged violations: the Respondent may accept responsibility for one and found not in violation for the other two by the administrator. Based on any alleged violations, the Respondent and administrator can discuss a status and potential sanctions or fines. This resolution is utilized for cases leading up to and through removal from residency. 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.

## **XI. CONDUCT REVIEW (up to suspension or dismissal)**

In instances where information leads the University to look at suspension or dismissal as a potential outcome, the student will engage in an introductory meeting (pre-hearing) to review the process. 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. Upon completion, the student will engage in a hearing with a senior member of the division of student affairs.

### **Respondents are entitled to:**

1. A pre-hearing informational meeting with the Administrative Officer, during which:
  - The report(s) about the alleged misconduct will be read and explained, in that they are not entitled to a copy;
  - a written outline of the judicial process and an oral explanation of that process is provided;
  - 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
  - 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:
  - the name(s) of person(s) asked to attend the hearing by the Administrative Officer;
  - the date, time and location of the hearing; and
  - 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 Community Standards process.

### **Respondents are responsible for:**

1. Cooperating with University officials during the Community Standards 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 Community Standards 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. Student must understand, that a failure to identify witnesses will not delay the hearing itself.
6. Providing or presenting, if they so choose, a written statement at the time of the hearing.

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

- 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 Director of Community Standards and Education.
- The Respondent may elect to have the case heard by the All-University Disciplinary Board (AUSB).
- The Respondent must select a hearing body (Administrative Officer or AUSB) 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.

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

#### **b. HEARING PROCEDURES**

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 Administrative Officer.

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 the Respondent's right to seek further review of any and all decisions made during the process.

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.

The Hearing Board or Administrative Officer may question the Respondent and witnesses and seek clarification throughout the hearing.

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.

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.

The Administrative Officer may accept, reject or amend the Hearing Board's recommendation and/or sanctions, and may impose a different decision or sanction.

### **c. RIGHTS OF STUDENTS**

- i. The right to be advised of the information against them, including the nature of the alleged violations, the documentation of those violations, and the names of adverse witnesses and the information they provided.
- ii. The right to present one's case and to rebut unfavorable inferences that might be drawn.
- iii. The right to present the information of any qualified and competent witness who has direct, personal knowledge of the incident or conduct in question.
- iv. The right to a fundamentally fair hearing.
- v. The right to have an Advisor in cases of consideration of suspension or dismissal.
- vi. The right to be presumed not responsible until the matter is adjudicated and a decision is reached.
- vii. The right to an outcome based solely on the evidence presented during the hearing.
- viii. The right to a written notice of the outcome of the hearing and the sanction.
- ix. The right to be treated with respect by University Officials.
- x. The right to be free from retaliation.
- xi. The right not to be discouraged by University officials from reporting conduct violations.

### **d. ADVISORS**

Any student who has allegedly violated one or more of the University's behavioral standards (not sexual harassment) and is involved in a Conduct 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, 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.

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.

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, unless the student is a minor.

### **e. NOTICE OF DECISIONS**

The Administrative Officer will notify the Respondent of the decision (and sanctions, if any) within three working days of the date the Conduct 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 time frame.

## **XII. SANCTIONS**

The severity of the sanction imposed will be based on both the circumstances of the Respondent's current case and the Respondent's record(s) of misconduct. **The following list of sanctions is not inclusive of all possible sanctions and is intended to serve as a reference for most Student Code of Conduct violations.** Students found in violation of the Student Code of Conduct may be subject to one or more of the following 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 on 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(s): 1-6 years;
- Offenses of a criminal/immoral nature: 1-3 years
- Offenses against property: 1-3 years;
- Offenses of possession: 1-3 years;
- Offenses that threaten campus order: 1-3 years; or

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. You may petition the Director of Community Standards and Education or the Dean of Students. For further information contact their offices.

**B. Suspension from the University:** Suspension is a separation from the University 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. 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.

- F. Campus Restrictions and/or Modifications:** Re-assignments to housing or restrictions from varied residence areas may be imposed as part of sanction.
- G. 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.
- H. 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.
- I. 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.
- J. Educational Sanctions:** Educational sanctions are intended to promote student learning as a result of misconduct and may include counseling referrals, a formal apology, and assignments to educational programs, a research or self-reflection paper or any other type of similar action. A failure to fulfill educational sanctions in a satisfactory manner may be cause for further accountability.

The University reserves the right to put the status of any sanction in abeyance. This means the status is put on hold.

### **XIII. APPEALS**

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 procedural error that unfairly and materially affected the outcome of the case;
- 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
- the sanction is inconsistent with the gravity of the offense.

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.

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.

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.

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

#### **XIV. ALTERNATIVE DISPUTE RESOLUTION**

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.

#### **XV. 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 Officer is final and binding. If the decision includes removal from University housing, departure is expected within 24 hours 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 Officer is final in these matters and there is no appeal.

*Updated as of 8/20*

***Chapter III:***  
***Sexual Harassment/Title IX***  
***Policy and Procedures***

## **SEXUAL HARASSMENT/TITLE IX**

### **I. INTRODUCTION**

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

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

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

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

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

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

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

Title IX Coordinator

Cheryl Smith

General Counsel and Title IX Coordinator

Deliso Hall, Room 102

(413) 782-1542

[csmith@wne.edu](mailto: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](mailto:joanne.ollson@wne.edu)

Deputy Title IX Coordinator

Sean Burke  
Assistant Director, Career Development Center  
St. Germain Campus Center, Room 235C  
(413) 782-1564  
[sean.burke@wne.edu](mailto:sean.burke@wne.edu)

Deputy Title IX Coordinator

Lori Mayhew-Wood  
Associate Director of Athletics/SWA/Director of Equipment Management  
Alumni Healthful Living Center, Room 105B  
(413) 796-2230  
[lori.mayhew@wne.edu](mailto:lori.mayhew@wne.edu)

University Title IX Educator

Beth Hill  
Director of Community Standards and Education  
St. Germain Campus Center, Room 226  
(413) 782-1282  
[bhill@wne.edu](mailto:bhill@wne.edu)

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

US Department of Education  
400 Maryland Ave SW  
Washington, DC 20202-1100  
Customer Service Hotline # (800) 421-3481  
Facsimile (202) 453-6012  
TDD# (877) 521-2172  
Email: [OCR@ed.gov](mailto: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



## II. ACCOMMODATION OF DISABILITIES

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

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

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

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

## III. PROHIBITED CONDUCT

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

### A. Sexual Harassment<sup>2</sup>

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

### B. Sexual Assault<sup>3</sup>

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

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

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

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<sup>2</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>

<sup>3</sup> <https://www.law.cornell.edu/uscode/text/20/1092>

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

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

#### C. Dating Violence<sup>4</sup>

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

#### D. Domestic Violence<sup>5</sup>

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

#### E. Stalking<sup>6</sup>

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

#### F. Serial Sexual Misconduct

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

#### G. Child Molestation

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

### **IV. REPORTING**

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<sup>4</sup> <https://www.justice.gov/file/29836/download>

<sup>5</sup> <https://www.justice.gov/file/29836/download>

<sup>6</sup> <https://www.justice.gov/file/29836/download>

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

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

#### A. Responsible Employees

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

#### B. Reporting Officers

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

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

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

#### C. Confidentiality of Reports

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

practicable. The responsible employee or reporting officer must report the allegation to the Title IX Coordinator or Deputy Title IX Coordinators.

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

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

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

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

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

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

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

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

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

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

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

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

Any University employee or volunteer who has actual knowledge or reasonable suspicion of sexual abuse of a student or minor by a member of the University affiliated medical staff must report to the Title IX

Coordinator or Deputy Title IX Coordinators. Any employee who fails to contact the Title IX Coordinator or Deputy Title IX Coordinators may face discipline up to and including termination.

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

### **A. Definitions**

*Complainant*<sup>7</sup>: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

*Respondent*<sup>8</sup>: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

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

*Formal Complaint*<sup>9</sup>: A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or discrimination against a Respondent with the expectation that the University will evaluate the allegation.

*Document Filed by a Complainant*<sup>10</sup>: A document or electronic submission (such as by e-mail or through an online portal provide for this purpose by the school) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

*Supportive Measures*<sup>11</sup>: individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, or deter sexual harassment or discrimination.

*Actual Knowledge*<sup>12</sup>: Notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has the authority to institute sanctions on behalf of the recipient.

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

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<sup>7</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>

<sup>8</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>

<sup>9</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>

<sup>10</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>

<sup>11</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>

<sup>12</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>

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

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

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

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

## B. General Requirements

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

## C. Rights of Complainant and Respondent

1. The right to be treated with respect by University officials.
2. The right to be notified of available counseling, mental health or other services, both on and off campus.
3. The right not to be discouraged by University officials from reporting an assault to both on campus and off campus authorities.
4. The right to be free from retaliation.
5. The right to an Advisor during the process.
6. The right to be informed in advance, when possible, of any public release of the information regarding the complaint.

7. The right to written notice of the outcome and sanction of the Administrative Educational Conduct Review.
8. The right to a fundamentally fair resolution as defined in these procedures.
9. The right to an outcome based solely on the evidence presented during the process.

#### D. Filing a Formal Complaint

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

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

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

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

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

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

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

#### E. Written Notice of Allegations

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

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

If any additional allegations are later made, an updated written notice of allegations must be provided to the parties.

#### F. Advisors

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

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

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

#### G. Supportive Measures

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

The University reserves its right to temporarily remove a Respondent from campus prior to the



conclusion of the Sexual Harassment/Title IX Grievance Process if the University reasonably believes that the Respondent presents a threat to the University community.

#### H. Range of Sanctions for Students

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

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

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

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

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

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

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

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

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

determining sanctions for future violations.

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

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

#### I. Range of Sanctions for Employees

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

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

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

*Referral to Counseling or Training*

*Transfer or Change in Department or Teaching Duties*

*Warning*

*Written Apology*

#### H. Time Frame

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

## VI. INFORMAL RESOLUTION

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

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

The purpose of informal resolution is to implement an appropriate solution acceptable to all parties concerned. The person conducting the informal resolution will work with the Complainant and Respondent to reach an informal resolution. If the Respondent is a faculty

member, the Dean of the respective School or College will participate in the resolution process. At the conclusion of the informal process, a memorandum of understanding will be signed by both parties.

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

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

## **VII. INVESTIGATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Administrative Educational Conduct Reviews are audio recorded.

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

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

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

1. A Pre-Review informational meeting with the Procedural Facilitator, during which:

- a. any written, audio and/or video evidence about the alleged misconduct will be reviewed and explained;
- b. a written outline of the Administrative Educational Conduct Process is provided and discussed;
- c. a written statement identifying the section of the Sexual Harassment/Title IX policy that was allegedly violated and the range of sanction(s) that may apply.

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

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

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

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

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

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

5. Right to an Advisor:

- Each party is required to have an Advisor. An Advisor may be a friend, faculty member, family member or legal counsel. The Advisor cannot be a witness.

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

## 6. Right to a Live Administrative Educational Conduct Review

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

### C. Administrative Educational Conduct Review Procedures

Prior to the Administrative Educational Conduct Review:

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

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

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

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

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

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

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

During the Administrative Educational Conduct Review:

- The alleged violations are summarized and presented to the parties, witnesses, Advisors, and Administrative Educational Conduct Review Officers by the Procedural Facilitator.

Then, the Administrative Educational Conduct Review Officers present the role of the Advisor and other expectations of Administrative Educational Conduct Review to the Complainant, Respondent, and Advisors.

- At any point during the Administrative Educational Conduct Review, Administrative Educational Conduct Review Officers can direct questions to parties and witnesses to seek clarification or relevant information.
- The Complainant and Respondent provide, verbally and in writing, an opening statement.
- The Procedural Facilitator invites witnesses individually to verbally share their information.
- Each party's Advisor will have opportunity to ask the other party and any witnesses relevant questions and follow-up questions, including questions challenging credibility of the other party or any witness. Cross-examinations must be conducted orally by the party's Advisor. The Advisors only have the ability to cross-examine witnesses and parties. Parties do not have the ability to cross-examine the other party or witnesses, but can present questions through their Advisor.
- Only relevant cross-examination or other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a question asked by the other party's Advisor, the Procedural Facilitator will determine whether the question is relevant. If the Procedural Facilitator deems the question not to be relevant, they must explain to the party's Advisor asking the question why it is not relevant. For example, questions and evidence regarding a party or witnesses' prior sexual behavior or history is irrelevant, unless offered to prove that someone other than the Respondent committed the alleged misconduct or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. **Rules of evidence used in courts of law are not used in this process.**
- Upon completion of the witness testimony and all information pertinent to the situation, the Administrative Educational Conduct Review Officers will indicate if a witness needs to be recalled for further questioning.
- If no further questioning is needed, the Complainant and Respondent provide a closing statement verbally and/or in writing.
- At the conclusion of the Administrative Educational Conduct Review, Administrative Educational Conduct Review Officers adjourn the Administrative Educational Conduct Review and dismiss the witnesses, the parties, and their Advisors. The Administrative Educational Conduct Review Officers will meet in closed session to deliberate, with or without the Procedural Facilitator. The Complainant and Respondent and Advisors are not permitted to hear the Administrative Educational Conduct Review Officers' deliberations.

#### D. Notice of Decision

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

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

appeal.

#### E. STUDENT APPEAL OF DECISION

Both parties have the right to appeal a determination of responsibility, or dismissal of a Formal Complaint. Upon receipt of the Administrative Educational Conduct Review Officers' written decision, the Complainant and Respondent shall each have the right to submit a written appeal of the outcome of the Administrative Educational Conduct Review to the Vice President for Student Affairs/Dean of Students, or their designee, within three (3) business days.

Complainants and Respondents seeking an appeal must specify the grounds for the request. Complainants and Respondents who fail to file an appropriate written request for an appeal within three (3) business days waive their right to appeal. As this is an Administrative Educational Conduct Review Process, the University strongly encourages the Complainant and Respondent involved to author their own appeals/responses.

##### 1. Grounds for Appeal

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

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

##### 2. Initial Appeal Submission

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

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

##### 3. Determining if the Appeal has Grounds

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

##### 4. The Right for a Response



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

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

#### 5. Decision of Appeal (students)

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

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

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

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

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

## IX. RETALIATION

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

*Updated as of 8/20*

## ***Chapter 4:***

# ***Selected Academic Policies***

*Refer to the University Course Catalogue for a full list of Academic Policies.*

## I. 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 their 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.

#### i. 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.*

#### ii. 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.

### iii. 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.

## **II. ACADEMIC ADVISING AND STUDENT RESPONSIBILITIES**

The mission of the Advising program is to foster a culture of student-centered collaboration to ensure holistic student support and personal development, so that each student's academic, life and career goals will be realized. Academic Advising is an essential component of the Western New England University culture, promoting success and personal development through a series of intentional and quality interactions between student and advisor. In this collaborative relationship, an advisor facilitates and supports the student who is an active and engaged participant in the process. Its fundamental purpose is to assist students with increased self-awareness, achievement of degree program learning outcomes, and a career focused plan for life after graduation.

Each first-year student will be assigned a team of four advisors – a Faculty Advisor, University Advisor, Career Advisor and Peer Advisor – to provide additional support during the first-year transition to college. This is a part of the 4U Comprehensive Advising program. The Faculty Advisor is normally assigned on the basis of enrollment in First Year Seminar and will remain the primary resource for academic advising. After the sophomore year and beyond, students are normally assigned or may choose a faculty advisor according to the academic department in which the student's major is contained. The University Advisor will remain with the student throughout their entire four years and will connect students to the people and resources needed in every stage of their academic journey to promote student success. The Career Advisor will provide career exploration,

strategy and guidance from the student's first through senior year at WNE and is assigned based on the college the student's major falls under (either the College of Arts and Sciences, the College of Business or the College of Engineering). Finally, Peer Advisors are upper class students that will mentor students during their first year. They will help students navigate the campus, connect to resources and find ways to get engaged through campus activities. Academic advising is provided for part-time students through the appropriate college.

Although the advising team will support the student in all aspects of their educational journey, the ultimate responsibility for decisions on the student's program of study remains with the student. Furthermore, each student is responsible for understanding degree requirements and planning for orderly fulfillment. It is important that students work with their advising team, primarily their Faculty Advisor, 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 Faculty 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.

### **III. ACADEMIC INTEGRITY**

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

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

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

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

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

## **V. CLASS ATTENDANCE**

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

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

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

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

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

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

## **VII. 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.

## **VIII. 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>

## **IX. REFUNDS**

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

## **X. SELECTIVE SERVICE REGISTRATION**

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

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

program monies.

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

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

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

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

## **XII. TRANSCRIPTS**

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

*Updated as of 8/20*