

Salem State University
Community Standards Office
*Student Conduct Code**
(June 2017)

*Pending approval from university governance committees

Table of Contents

SECTION 1. PREAMBLE.....	5
SECTION 2. SCOPE	5
SECTION 3. UNIVERSITY JURISDICTION	7
Off-Campus.....	7
Student Organizations	7
SECTION 4. DEFINITIONS.....	8
Advisor.....	8
Appeal Officer	8
Business Day.....	8
Conduct Standing.....	8
Dean’s Office Hold.....	9
Discipline Record.....	9
Hearing Officer	9
No Contact Order.....	9
Policy	9
Preponderance of the Evidence.....	9
Sanction	9
Shall and Will	9
Student	9
University.....	10
University Official	10
Witness.....	10
SECTION 5. CONDUCT REGULATIONS	10
Personal Conduct	10
Campus Community Safety	11
University Policy	12
SECTION 6. STUDENT CONDUCT DUE PROCESS PROCEDURES FOR NON-SEXUAL VIOLENCE CASES	14
Filing a Report	14
Reviewing a Report.....	14
Preliminary Meeting	15
Administrative Hearing Procedures.....	15
Conduct Board Hearings.....	16

Hearing Guidelines	16
SECTION 7. EMERGENCY INTERIM PROCEDURES FOR NON-SEXUAL VIOLENCE CASES.....	18
SECTION 8. SANCTIONS FOR NON-SEXUAL VIOLENCE CASES.....	19
Disciplinary Standing.....	19
Corrective and Educational Sanctions	20
Other Sanctions	21
Student Organization Sanctions	22
SECTION 9. APPEALS PROCESS FOR NON-SEXUAL VIOLENCE CASES	22
SECTION 10. SEXUAL VIOLENCE POLICY.....	23
A. Definitions and Protocols.....	24
<i>What is Title IX?</i>	24
<i>What is the Violence Against Women Act (VaWA)?</i>	24
<i>What is consent?</i>	24
<i>Who is the Complainant?</i>	24
<i>Who is the Respondent?</i>	24
<i>What is Sexual Assault?</i>	25
<i>What is Domestic Violence?</i>	25
<i>What is Stalking?</i>	26
<i>What is Dating Violence?</i>	26
<i>What is Harassment?</i>	26
<i>What is Sexual Misconduct?</i>	26
<i>What is Retaliation?</i>	27
<i>What is preponderance of the evidence?</i>	27
<i>Title IX and VaWA Reminders</i>	27
<i>Confidentiality</i>	27
<i>Preservation of Evidence</i>	27
<i>Advisors</i>	28
<i>Sexual Violence Investigation and Resolution Procedures</i>	28
B. Getting Help (Who to talk to)	29
On Campus Resources	29
Salem State University Police (available 24-hours a day).....	29
Dean of Students Office.....	29
Title IX Coordinator: Siobhain Feeney.....	29

Residence Life	29
Counseling and Health Services	30
PEAR (Prevention, Education, Advocacy, Response) Program	30
Spiritual Life	30
Off Campus Resources	30
YWCA North Shore Rape Crisis Center.....	30
Healing Abuse Working for Change (HAWC).....	30
Safety Planning	30
How to Report an Incident of Sex Discrimination.....	31
Options for Survivors.....	31
C. Administrative Procedure	32
D. Your Rights as a Complainant (Survivor):.....	32
E. Your Rights as a Respondent (Student Being Accused):.....	33
F. Your Right to Appeal.....	34
What if alcohol or other drugs were involved? Can I still report?.....	34
G. Amnesty Policy	34
SECTION 11. DISCIPLINARY RECORDS	34
SECTION 12. DISTRIBUTION AND AMENDMENT PROCEDURES	35
Distribution	35
Amendment Procedures	35
APPENDIX A – HAZING POLICY	36
APPENDIX B – ALCOHOL AND OTHER DRUGS POLICY	38
Good Samaritan Policy	39
APPENDIX C – TOBACCO-FREE CAMPUS POLICY	41
APPENDIX D – PUBLIC SPEAKING, DISTRIBUTION OF LITERATURE, COMMERCIAL SOLICITATION AND DEMONSTRATIONS IN PUBLIC AREAS	43
APPENDIX E – CAMPUS CENTER BUILDING REGULATIONS.....	48

SECTION 1. PREAMBLE

Salem State University (SSU) is a community that prides itself on academic excellence and service to the local and global community. Membership in the SSU community is a privilege for those who are invited to join. Becoming a student at SSU brings a responsibility to adhere to the values of the University community. Students and student organizations, teams and groups who breach the trust and values of the community shall be held accountable for their actions. The *Student Conduct Code* defines the rights and responsibilities of students and provides a process for responding to allegations of student misconduct in a way that accords with the values of the University.

SSU students are recognized as being both citizens in the larger community and members of an academic community. In their roles as global citizens, students are free to exercise their fundamental constitutional rights. Rights and responsibilities under local, state and national law are neither abridged nor extended by status as a student at Salem State. However, as members of the academic community, students are expected to uphold community standards and to fulfill those behavioral responsibilities which accompany their membership and which are necessitated by Salem State's pursuit of its stated goals. SSU's approach to student discipline is an educative and preventative one. It is expected that the conduct of all students will be consistent with the educational purposes of the institution and in no way will interfere with the functions of the University as it seeks to fulfill that purpose. Consequently, individual and group behavior which inhibits members of the community, i.e., students, faculty and administrators, from carrying out their respective educational tasks and duties is unacceptable. Policy violations committed by students will be subject to disciplinary sanctions which promote their own personal development, protect the University community, and maintain order and stability on campus.

Any behavior which may have been influenced by a student's mental state (irrespective of the ultimate evaluation) or use of drugs or alcoholic beverages shall not in any way limit the responsibility of the student for the consequences of that student's actions. The University may institute proceedings against students whose conduct is prohibited by state, federal, or local laws, and which occurs on-campus, off-campus, or online and materially affects the campus community. Such action by the University is independent of, and may proceed in parallel with civil and/or criminal action. Additionally, the University may institute proceedings against students whose conduct is a violation of University policies and regulations, such as, but not limited to, Firearms and Other Weapons Policy (as set forth by University Police), Campus Center Building Regulations (as set forth by Student Involvement and Activities), Residence Life License Agreement and related residence hall policies (as set forth by Residence Life), Motor Vehicle Regulations (as set forth by University Police), and Acceptable Use Policy (as set forth by Information Technology Services). Such policies and regulations can be accessed online by going to <http://salemstate.edu/policies>.

SECTION 2. SCOPE

1. These regulations and any amendments shall apply to all students (i.e., part-time and full-time undergraduate, graduate and continuing education students) and all student organizations at Salem State University, and shall be considered part of the conditions of admission and enrollment of such students. Unless students have officially withdrawn from the University, they are assumed to be in continuous enrollment, including students on a leave of absence. As such, they are subject to the disciplinary regulations and procedures which follow.

2. Each student shall be responsible for individual conduct from the time of admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). The *Student Conduct Code* shall apply to a student's conduct even if the student withdraws from the University while a student conduct matter is pending.
3. Each student organization may be held responsible for the conduct of any of its members or guests in addition to any sanctions received by any student member in their individual capacity. Students are responsible for the contents of their rooms, cars, lockers, or person regardless of claims of personal ownership. Students may also be held responsible for shared common areas.
4. A registered student or campus organization may be held responsible for misconduct when it's officers or other leadership use or knowingly allow the use of the facilities, resources, membership or name of the student/campus organization for actions that are a violation of the *Student Conduct Code*; the leadership of the student/campus organization encourages a violation of the *Student Conduct Code* by its members; or a significant number of members of the student/campus organization engage in concerted action which violates the *Student Conduct Code* and the leadership of the student/campus organization knows or should have known of a violation by its members and takes no action to stop the violation.
5. University student conduct proceedings may be instituted against a student or a student organization charged with conduct that potentially violates both the criminal law and the *Student Conduct Code* (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the *Student Conduct Code* may be carried out prior to or simultaneously with civil or criminal proceedings at the discretion of the Community Standards office. The University cooperates with law enforcement or other agencies, in the enforcement of laws on campus and in regards to its students. This includes providing information requested by subpoena or as otherwise permitted by law. Determinations made or sanctions imposed under the *Student Conduct Code* shall not be subject to change because criminal charges arising out of the same facts rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
6. In case of any conflicts or inconsistencies with any other rules, regulations, policies, and directives now existing, these regulations shall govern and shall be enforced by the president of Salem State University.
7. The University, upon recommendation from the appropriate governance committees, reserves the right to alter any or all of the student conduct system. Reasonable notice shall be furnished to the University community of any substantial change.
8. Salem State University is dedicated to the maintenance of the student conduct system which reasonably represents and is responsive to all members of the University community.
 - a. It is the policy of Salem State to offer opportunities for student conduct board participation and to ensure equitable treatment of students charged with University violations without regard to race, religion, age, disability, sex or gender, gender identity, sexual orientation, or national origin.
 - b. In implementing this policy, the University follows the guidelines and requirements of Title VI of the Civil Rights Act and Title IX of the Higher Education Act of 1972 as well as the *Equal Opportunity, Diversity and Affirmative Action Plan* as set forth by the Massachusetts Board of Higher Education and state and federal regulations regarding equal opportunity and affirmative action.

- c. To request accommodations, please contact Disability Services at 978.542.6217 or disability-services@salemstate.edu.

SECTION 3. UNIVERSITY JURISDICTION

The *Student Conduct Code* applies to all students and student organizations, both on-campus, off-campus, and/or online. The rules of conduct that are outlined in these regulations are designed to promote the welfare of the academic community by preserving an environment in which reasoned debate and the pursuit of learning can flourish. Generally, University jurisdiction shall be limited to conduct that occurs on or about University premises or in connection with University-sponsored, University-affiliated events programs, and activities (including students involved with off-campus internships, study abroad programs, and recognized or unrecognized student organizations). However, the University may apply the *Student Conduct Code* to students, student organizations, and unrecognized student organizations whose misconduct may have an adverse impact on the University, members of the University community, and/or the pursuit of University objectives regardless of where such conduct may occur. These rules will therefore govern the following:

1. Conduct that occurs within the physical bounds of the north, central and south campuses, the O’Keefe Complex, and Cat Cove Marine Laboratory or in any University facility;
2. Conduct, wherever it occurs, that occurs while a student is attending, or participating in, any University related activity, including a sporting event, a field trip, a study abroad opportunity, or the like;
3. Conduct, wherever it occurs, that calls into question a student’s suitability as a member of the academic community, including acts of violence, the sale or possession of drugs, violations of another’s civil rights, and acts against persons and property.

Off-Campus

The following examples describe the kinds of off-campus acts that may be addressed through the University student conduct system: driving under the influence of alcohol or drugs; physical assault; sale/distribution of illegal substances; and malicious destruction of property. These examples are illustrative in intent and they should be regarded as all-inclusive. Should the Community Standards office reasonably determine that a particular alleged act of off-campus misconduct falls within the jurisdiction of the University, the case will be referred to the student conduct system.

Student Organizations

Student organizations may be held accountable under the *Student Conduct Code* for the student organization’s misconduct and/or the misconduct of any one or more of its leaders, members, guests, and other representatives.

The student organization must designate one student organization representative by written notice to the Associate Director of Community Standards or designee within three (3) business days of being sent notice of alleged violations of the *Student Conduct Code*. The student organization representative will represent the student organization during the student conduct process.

Review of allegations of misconduct of individual student members will be determined under the *Student Conduct Code* prior to determination of student organization alleged violations.

Student organizations are prohibited from conducting their own disciplinary proceedings prior to resolution of alleged violations of the *Student Conduct Code*.

Nothing in the *Student Conduct Code* shall preclude holding students who are members of a student organization responsible for their individual violations of the *Student Conduct Code* committed in the context of or in association with the student organization's alleged violation of the *Student Conduct Code*. Both the student organization and individual students may be found responsible for violations of the *Student Conduct Code* in connection with the same behavior.

The student organization representative is required to notify the student organization's advisor of any alleged violations of the *Student Conduct Code* and any sanctions imposed.

SECTION 4. DEFINITIONS

The following selected terms are defined in an effort to facilitate a more thorough understanding of the *Student Conduct Code*. This list is not intended to be a complete list of all terms referenced in the *Student Conduct Code* that might require interpretation or clarification.

Advisor

An individual of a student's choice who provides support and/or advice to a student in the conduct process. However, individuals who would be in conflict with the student conduct process may not serve as advisors (e.g., witnesses, hearing officers, appeal officers, etc.). The advisor may not address the hearing officer or the board. During meetings and hearings, the advisor may speak with the student or pass along notes in a non-disruptive manner. The University reserves the right to remove from the meeting or proceeding any advisor who disrupts the process, or who does not abide by the participation restrictions. In addition, please note the University may not cancel or delay a meeting or proceeding simply because an advisor cannot be present. Further, the advisor is not permitted to attend a meeting or hearing without the student.

Appeal Officer

Any person or persons authorized by the Dean of Students or designee to conduct a review of a decision reached by a hearing officer or conduct board.

Business Day

Any day (i.e., Monday through Friday) that the University is open from 8:30 am to 5 pm.

Conduct Standing

Good conduct standing refers to the student's current disciplinary status at the University related to the conduct process. Being in Good Conduct Standing indicates that at the current point in time, a student is without an active disciplinary status and does not have any pending conduct incidents. A student with an outstanding sanction to be completed, or who is on active probation, suspension, or expulsion is not in good conduct standing. (For more information on Conduct Standing, see *Section 8. Sanctions for Non-Sexual Violence Cases.*)

Dean's Office Hold

A hold placed on a student's record that prevents the student from conducting any business with the University. This may include registering for class, signing up for housing, and requesting an official transcript from the University. Disciplinary holds may be placed on a student's record when the student does not respond to the request of a University official to attend an administrative hearing, has not completed an assigned sanction, and/or has officially withdrawn from the University while a conduct matter is pending.

Discipline Record

A discipline record reflects any proceedings under the student conduct process that results in a finding of responsible. Please note that only the finding of responsible for specific conduct regulations resulting in sanctions are shared with appropriate parties as requested by the student.

Hearing Officer

A University staff member who is authorized to determine the resolution of alleged violation(s) of the *Student Conduct Code* and/or to impose sanctions or affect other remedies as appropriate. A hearing officer may investigate a complaint of an alleged violation of the *Student Conduct Code*, decline to pursue a complaint, refer identified disputants to mediation or other appropriate resources.

No Contact Order

An administrative action from the University directed towards two or more parties that states they are not to have any contact with each other whether in person, telephone, voice, message, through social media, and/or through a 3rd party. Violation of this order may result in further disciplinary action through the University's student conduct system.

Policy

Any written policy, procedure, standard, regulation, rule or student conduct expectation adopted by the University, as the same may be amended, modified, or replaced from time to time.

Preponderance of the Evidence

The burden of proof standard used in student conduct hearings. This means the hearing officer or board after careful consideration of all of the available information will determine if it is "more likely than not" that a violation of the *Student Conduct Code* occurred.

Sanction

Requirement(s) a student must abide by or complete when found responsible for violating the *Student Conduct Code*

Shall and Will

These two words are used in the imperative sense throughout the *Student Conduct Code*

Student

Any person admitted, registered, or enrolled at the University, or attending any University course or University conducted program; any person admitted to the University who is on University premises or University-related premises for any purpose pertaining to the person's registration or enrollment. Students who are on a leave of absence are still considered students unless they officially withdraw from the University.

University

Salem State University

University Official

Any person employed by the University to perform administrative, instructional, or other professional duties.

Witness

Any person with knowledge pertaining to an alleged violation of the *Student Conduct Code*.

SECTION 5. CONDUCT REGULATIONS

Students and student organizations must adhere to and uphold the *Student Conduct Code* and obey University policies, rules and procedures as well as federal, state, and local laws. The Dean of Students or designee shall make the final determination on what constitutes a potential violation of the *Student Conduct Code* and shall establish the specific behavioral allegation(s) as appropriate.

Listed below are those types of conduct which constitute grounds for disciplinary action. Any student involved in attempting, encouraging, assisting, permitting, or inciting any of the following types of conduct is similarly subject to such action. The following list of behaviors is intended to represent the types of acts that constitute violations of the *Student Conduct Code*. Although the list is extensive, it should not be regarded as all-inclusive. All community members are responsible for knowing and observing all policies. The University may from time to time develop interim policies or regulations which pertain to specific situations. Approved changes will be conveyed to the University community.

Personal Conduct

1. Disorderly Conduct – Actions which jeopardizes the safety or well-being of other members of the University community or persons coming onto University property, or off campus wherever it occurs. This includes but is not limited to:

- a. Harassment of other members
- b. Statements intended to defame character
- c. Physical abuse or any act of violence
- d. Verbal abuse
- e. Written abuse of another person
- f. Conduct that threatens or endangers the health or safety of any person including one's self
- g. Inappropriately touching another person
- h. Forcible detention of anyone on University property

2. Bias-Related Incident - Any act, conduct, or communication that reasonably is understood to demean, degrade, threaten, or harass an individual or group based on an actual or perceived characteristic. Although a bias incident may not rise necessarily to the level of a crime, violation of state law, it nevertheless may create an unsafe, negative, or unwelcoming environment for the affected person(s); anyone who may identify with and/or support the affected persons; or other members of the campus community. This includes but is not limited to:

- a. Acts of bias based on race, color, national or ethnic origin, ancestry, religion, sex, sexual orientation, gender identity, gender expression, age, genetics, physical or mental disability, and veteran or other protected status.
- b. Engaging in hate crime, which is motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by bias which otherwise

deprives another person of their constitutional rights by threats, intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation.

- 3. Disruptive Behavior** - Exhibiting behavior which throws any University activity in disorder or does not permit others to hear, see or concentrate on a University presentation and/or activity;
 - a.** Disrupting any University-related activity with inappropriate verbal tone, volume or content which may be threatening and/or intimidating to the other members. Such activities include, but are not limited to, teaching, research, events, administration, student conduct proceedings, the living/learning environment, or other University activities, on-campus or off-campus or online.
 - b.** Exhibiting any behavior that is disruptive to any off-campus community and/or that adversely affects its members. This includes, but is not limited to, receiving any citations or noise violations issued by local law enforcement.

- 4. Deception or Theft** - Falsification, forgery, and/or modification of any official University document or record. This includes but is not limited to identification cards, absence excuses, and service applications and agreements.
 - a.** Theft or attempted theft
 - b.** Unauthorized use of another's or University funds or property
 - c.** Possession of another's or the University funds or property
 - d.** Unauthorized use of the University name and/or address

- 5. Community Relations** – The University expects all students to comply with all federal, state and local laws, regulations and ordinances.
 - a.** Violation of a law that directly hampers the University's pursuit of its educational purposes or that calls in question the student's suitability as a member of the University community.

- 6. Failure to Comply** - Violations of the conditions of any disciplinary sanctions imposed by a hearing body or hearing board. This includes failure to comply with a reasonable order of and/or failure to provide identification to any properly identified member of the University administration, security force, or other staff or faculty engaged in the performance of official duties.

- 7. Inappropriate Use of Technology** - Students are expected to respect the reasonable expectations of privacy of other individuals within the University community. Therefore, engaging in any electronic exploitation of another person, including eavesdropping on, surveilling, recording and/or broadcasting acts is prohibited. This provision does not extend to the recording of public events or discussions, or to recordings made for law enforcement purposes.
 - a.** Making or attempting to make an audio or video recording of any person(s) on University premises in bathrooms, showers, bedrooms, or other premises where there is an expectation of privacy, without the knowledge and consent of all participants subject to such recordings.
 - b.** Undisclosed and unauthorized recording of other individuals within the University community.
 - c.** Use of undisclosed hidden recording devices and/or transmission and/or distribution of any such recordings.

Campus Community Safety

- 8. Fire Safety** – Students are expected to behave in ways that support fire safety and avoid creating hazards to themselves or others. This includes, but is not limited to:

- a. Failure to comply with evacuation procedures;
- b. Tampering with fire protection apparatus;
- c. Making or attempting to make false fire alarms;
- d. Unauthorized use of electrical equipment;
- e. Setting fires and/or attempting to set fires.
- f. Interference with firefighters, police officers, or other persons engaged in performance of their official duties

9. Vandalism – Any destruction, impairment, abuse, and/or misuse of another’s property or of University property

10. Unauthorized access - Unauthorized entry into and/or presence in any University building or facility

- a. Unauthorized possession or use of University keys or other University property

University Policy

11. Violation of the University’s Firearms and Other Weapons Policy set forth by University Police

- a. Unauthorized possession of and/or use of loaded or unloaded firearms, or other instruments which could be considered weapons, fireworks, and open flame devices
- b. Making threatening statements regarding the use of firearms, explosives or other types of weapons to bring harm to members of the University community
- c. Possession or use of bombs or other explosive devices
- d. The threat, verbal or written, that any such bombs or explosive devices have been or may be implanted in or upon any property or building of the University

12. Violation of the sexual violence policy as set forth by the *Equal Opportunity, Diversity and Affirmative Action Plan* (see Section 10)

- a. Sexual assault
- b. Rape
- c. Dating Violence
- d. Domestic Violence
- e. Retaliation
- f. Stalking
- g. Sexual harassment
- h. Gender-based harassment
- i. Sexual misconduct
- j. Sexual exploitation
- k. Sexual coercion
- l. Lewd or indecent behavior such as, but is not limited to, stripping, public masturbation, public urination, public defecation, streaking, or prostitution (cash or non-cash payments)

13. Violation of University hazing policy (see Appendix A)

14. Violation of University alcoholic beverage policy (see Appendix B)

- a. Unauthorized possession or use of alcoholic beverages on-campus
- a. Unauthorized possession or use of alcoholic beverages off-campus
- c. Unauthorized sale of, or intent to sell, alcoholic beverages
- d. Manufacture of alcoholic beverages
- e. Distribution of alcoholic beverages on University property without proper approval
- f. Possession of commercially prepared alcohol containers (i.e. kegs, beerballs, etc.)

- g. Possession of bulk alcoholic beverages
- h. Behavior negatively impacted by use of alcohol
- i. Being in the presence of alcohol in a substance free building/area

15. Violation of University drug policy (see Appendix B)

- a. Possession, use, or distribution of illegal drugs
- b. Sale of or intent to sell illegal drugs
- c. Manufacture of illegal drugs
- d. Possession, use, sale, distribution, or manufacture of drugs (e.g., narcotics, stimulants, depressants, hallucinogens) for which the required prescription has not been obtained.
- e. Behavior negatively impacted by use of drugs
- f. Use or possession of unauthorized drugs
- g. Possession, use, sale, distribution, or manufacture of drug paraphernalia

While Massachusetts state law permits the use of recreational and medical marijuana, federal law prohibits marijuana use, possession, distribution, and/or cultivation at educational institutions. Therefore, the use, possession, distribution or cultivation of marijuana for recreational or medical purposes is not allowed in any Salem State University residence hall or on any other Salem State University premises; nor is it allowed at any University-sponsored events or activity off campus or any student organization event or activity. Anyone who possesses or uses marijuana at any University premises may be subject to federal prosecution and University discipline.

In addition, no accommodations will be made for any student in possession of a medical marijuana registration card except that Salem State University may release students from their Residence Hall License Agreement if approved.

16. Violation of University tobacco-free policy (see Appendix C)

17. Violation of policies on demonstrations, assemblies, and/or policies on related use of amplifying equipment (see Appendix D)

18. Violation of University policies on solicitation or sale of material on campus, e.g. running a private business on campus and/or utilizing University assets for personal gain

19. Violations of campus center building regulations (see Appendix E)

20. Violation of Residence Life License Agreement

- a. Violation of Residence Life License Agreement and other policies as outlined in the *Guide to Living on Campus*
- b. Violation of the Guest Policy as described in the *Guide to Living on Campus*
- c. Violation of prohibited items as described in the *Guide to Living on Campus*
- d. Violation of Quiet Hours as described in the *Guide to Living on Campus*. Quiet hours are observed in the residence halls from 9 pm to 9 am, Sunday night through Friday morning and from 12 midnight to 10 am on Friday and Saturday. 24-hour quiet hours are in effect during final exam periods. Courtesy hours are in effect at all times. During courtesy hours, any resident may request that noise be reduced. To read more, refer to the *Guide to Living on Campus*.

21. Violation of University motor vehicle regulations as set forth by University Police.

- a. Recreational motorized vehicles (including but not limited to motorcycles, mopeds, hoverboards, self-balancing scooter boards, two-wheeled scooters, segways, carts, etc.) may not be operated, charged, or stored inside any campus building.
22. Violation of the University's Acceptable Use Policy set forth by information technology services.
- a. Introducing a virus into a University or student owned computer or device
 - b. Unauthorized entry into a [computer] file to use, read or change contents
 - c. Unauthorized use of another's [computer] password
 - d. Use [of a University or student owned device] to send obscene or abusive messages and/or use [of a University or student owned device] to interfere with normal operations of the University's systems
 - e. Unauthorized downloading of file sharing programs or software that can be harmful to the Salem State network computer system or that may violate copyright laws

SECTION 6. STUDENT CONDUCT DUE PROCESS PROCEDURES FOR NON-SEXUAL VIOLENCE CASES

In order to provide an orderly procedure for the handling of disciplinary cases using the principles of due process and basic fairness, the following safeguards will be afforded to all students:

Filing a Report

When an incident occurs, an incident report is filed by a student, faculty, staff, or community member who becomes aware of, observes, or is the victim of the incident. This report is reviewed, and, if necessary, the student or student organization is directed to attend a hearing to determine what, if any, violation(s) may have occurred.

Students and representatives of clubs/organizations have access to the incident report written by the reporting person. The hearing process is intended to be educational in nature and is based on the concept of due process. The procedures provide for a prompt, fair, and impartial investigation and finding. This includes reasonable notice of the violation(s) in question and an opportunity for a student to be heard.

An incident can be pursued through the hearing process within thirty (30) days of the alleged incident unless the deadline is waived by the Associate Director of Community Standards and Residence Life, Associate Dean of Students, or designee. Complaints against former students will not be processed. Reports regarding graduating students should be filed prior to their graduation and, when possible, with sufficient time before graduation so that an investigation and hearing can occur.

Reviewing a Report

Depending on the nature of the report, concerning behavior may be resolved using either an informal or formal method of resolution. Formal resolution will always result in a hearing and become part of the student's conduct file. Informal resolutions can only be considered in alleged minor violations and are used at the discretion of the University staff member reviewing the report. An informal resolution may transition into a formal hearing for any reason including new information learned during an informal meeting or when an informal resolution cannot be reached.

Examples of informal resolution can include:

- Educational letter, conversation, or agreement.

- Mediation. If mediation is deemed appropriate, contact will be made to all parties involved and an explanation of the process will be offered. If accepted by all parties, mediation will be viewed as an alternative solution. Should an agreement not be possible, the incident may be pursued through a hearing. All agreements reached through mediation are binding. If at any point the agreement is not fulfilled, the negligent party may face further conduct action. Mediation is not an option in cases of sexual misconduct.

Review of all alleged violations is overseen by the Associate Director of Community Standards and Residence Life, the Associate Dean of Students, or designee. Their role is to identify those acts that may be in conflict with the *Student Conduct Code*. Alleged violations are assigned to an appropriate hearing officer within Residence Life or Student Life. Generally, two (2) business days' notice is given prior to a meeting/hearing. If circumstances necessitate, the hearing may be scheduled immediately. Written notice of the date, time, location, and allegation(s) is sent to a student's University email account. Depending on the urgency, notice may also be hand delivered. If the student fails to attend the hearing, a decision will be made in the student's absence.

Preliminary Meeting

In some cases, it may be appropriate for a hearing officer, University Police officer, or other University staff to meet or speak with students who may have relevant knowledge about an incident. This investigative process allows the responding staff member to make decisions about an informal or formal approach. These meetings also allow the University to collect information in order to meet its burden of proof.

Administrative Hearing Procedures

The use of a formal resolution requires a conduct hearing. The Associate Director of Community Standards and Residence Life, the Associate Dean of Students, or designee determines whether the incident will be handled through an administrative hearing or conduct board hearing. If the alleged violation could result in separation from the University, the matter may be reviewed by the Associate Director of Community Standards and Residence Life, the Associate Dean of Students, designee, or the conduct board.

Cases may be referred to the conduct board when the complexity of the case or allegation is significant. The Associate Director of Community Standards and Residence Life, the Associate Dean of Students, or designee determines the appropriate hearing venue. All hearings are closed to the public and only those who have direct information regarding the incident may attend. These determinations are made at the discretion of the Associate Director of Community Standards and Residence Life, the Associate Dean of Students, or designee.

Hearings may be expedited to protect community members. Students or recognized clubs/organizations who are alleged to have been involved in a significant violation may be suspended in the interim from the residence halls or the University pending a hearing, should the Dean of Students, Associate Dean of Students, Associate Director of Community Standards and Residence Life, or designee deem it is necessary. Residents may also be temporarily relocated pending a hearing. (See *Section 7. Emergency Interim Procedures for Non-Sexual Violence Cases* for more information.)

The steps below specify the procedures that must be followed when determining if a violation has occurred and assures that due process is followed.

1. Notice - Students will receive a letter electronically from the appropriate University staff member, informing them of a conduct hearing to discuss the incident. Students must be given two (2) business days' notice for administrative hearings and preliminary meeting.

2. Attendance - If the student fails to attend the hearing, the review will be made in the student's absence.
3. Presentation – A hearing officer will review the incident reports and the student will have the opportunity to share information regarding the incident.
4. Finding and Sanction - Based upon the information presented, the hearing officer or conduct board will determine if the student is responsible or not responsible for the alleged violation(s). Sanctioning is considered only after responsibility has been determined and is based solely on the severity of the violation and a student's previous conduct record. The decision of the conduct board will be subject to final review by the Associate Director of Community Standards and Residence Life, the Associate Dean of Students, or designee.
5. Notice of Outcome - An email with an attached letter notifying the student of the results of the hearing will be sent electronically no later than three (3) business days following the hearing. Additional time may be needed if the case is complicated in nature.

Conduct Board Hearings

The conduct board is comprised of trained administrators. When a case is referred to the board, the Associate Director of Community Standards and Residence Life, the Associate Dean of Students, or designee will serve as the conduct board procedural advisor and may offer all involved students a preliminary meeting to prepare them for the process. The conduct board procedural advisor is available to discuss the incident reports, students' rights, and the hearing process.

In cases assigned to the conduct board, a minimum of three (3) board members will participate on a rotating basis. The Associate Director of Community Standards and Residence Life, the Associate Dean of Students, or designee will determine the composition of the board and serve as a non-voting advisor to the board. All board members commit to upholding the *Student Conduct Code* and maintaining confidentiality.

Students participating in a conduct board hearing will be given the names of the conduct board members in advance of the hearing. Should a student believe that any conduct board member is biased or could not render an impartial judgment, the student may challenge the individual's participation in the hearing. The Associate Director of Community Standards and Residence Life, the Associate Dean of Students, or designee will rule on such challenges, and the decision will be final.

Hearing Guidelines

The following guidelines generally apply to administrative and University conduct board hearings, outlining a common understanding of the rights and responsibilities generally afforded to students participating in the hearing process. Since every case is unique, the guidelines may be changed or modified by a hearing officer or conduct board as needed.

1. Pending action on any alleged violations, a student's status is not altered, nor rights suspended to be present on campus or attend classes, except to protect the health or safety of students, faculty, or staff or to safeguard University property.
2. The University's burden of proof is to show that the student is responsible for the alleged violation or pattern of misconduct. The rules of evidence applicable to civil and criminal court cases do not apply. Hearing decisions are made based upon a preponderance of the evidence presented (i.e., whether a violation of University policy more likely than not occurred).
3. A student is responsible for all policies as listed in the *Student Conduct Code*, including those that may occur through encouragement or neglect.

4. Students will receive a letter electronically from the appropriate University staff member, informing them of a conduct hearing to discuss the incident. Students must be given two (2) business days' notice for administrative hearings and preliminary meeting.
5. A student has the right to review the incident report, names of accusers and witnesses, and any written evidence. This information will be revealed as part of the hearing. However, all relevant parties (e.g., hearing officer, conduct board members, student being charged) may review the information prior to the hearing.
6. Students have the right to a preliminary meeting with a hearing officer or conduct board procedural advisor for the purpose of reviewing hearing procedures and related aspects of the student conduct system.
7. All written or physical evidence not contained in the originating incident report must be presented to the hearing officer or conduct board procedural advisor in advance of the scheduled hearing. This includes names of witnesses or written statements from witnesses who are unavailable to attend the board hearing.
8. A student may have an advisor of their choosing present at the hearing. The student's advisor may not participate directly in any aspect of the hearing and may only confer with the student. An advisor will not be allowed to disrupt the hearing by recess or conference outside the hearing. A student must notify the hearing officer or conduct board procedural advisor the name of the advisor (if they choose to have one) in advance of the hearing.
9. A student may refuse to answer a question, with the understanding that the hearing officer or conduct board must decide the matter based upon the information available at the time of the hearing.
10. The hearing officer or conduct board procedural advisor exercises discretion over admission of any person into the hearing.
11. In incidents involving more than one party, the hearing may be conducted as a joint hearing.
12. A hearing officer or conduct board may record the hearing if it is deemed appropriate for the purpose of appeals. After the appeal has concluded, any recordings will be erased.
13. If a student is found responsible, the hearing officer or conduct board reviews the student's full conduct record to decide if a sanction should be more severe based upon past history. This information is not used to determine a student's responsibility for alleged violations.
14. No later than three (3) business days following the hearing, a student receives a letter electronically from the hearing officer or conduct board procedural advisor, informing the student of the hearing's results. Additional time may be needed if the case is complicated in nature. In cases involving both a complainant and respondent, both parties are notified of the outcome.
15. A student who has participated in the hearing process and has been found responsible for violating the *Student Conduct Code* may file a written appeal. Appeals may only be granted if one of three specific criteria are met (see *Section 9. Appeals Process for Non-Sexual Violence Cases*).
16. If the student fails to attend the hearing, the hearing occurs in their absence.
17. During the hearing, the University may accommodate concerns for the personal well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses by providing separate facilities, using a visual screen, and/or permitting participation by telephone, videophone, closed circuit TV, video conferencing, video and/or audio recordings, written statement, or other means. This determination is based on the judgment of the hearing officer, or conduct board procedural advisor.
18. If at any time during the course of a hearing, any person exhibits behavior or language that is disruptive or threatening, that person may be dismissed with the process continuing without their presence or input.
19. Cases of alleged sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation will follow the Sexual Violence Investigation and Resolution Procedures as outlined in Section 10 of this *Student Conduct Code*.

The Sexual Violence Policy has been taken from the *Equal Opportunity, Diversity and Affirmative Action Plan*, which was approved by the Massachusetts Board of Higher Education on December 9, 2014 and implemented by all Massachusetts state universities on March 15, 2015.

SECTION 7. EMERGENCY INTERIM PROCEDURES FOR NON-SEXUAL VIOLENCE CASES

If the Dean of Students or designee determines that the continued presence of a student on campus constitutes a serious danger to the orderly operation of the University or the safety or welfare of members of the University community, including the student, the Dean of Students or designee may sign an order imposing an interim action including, but not limited to suspension from the University or the Residence Halls, or interim residence hall relocation. This action may be done temporarily pending a hearing.

An interim action may be imposed immediately with the option by the student being charged to have a preliminary meeting within 24 hours with the Associate Director of Community Standards and Residence Life, Associate Dean of Students, or designee.

The preliminary meeting shall be concerned solely with:

- 1) Discussion of the nature of the allegations and their sources
- 2) Provision of an opportunity for the student to show cause why the student should not be suspended.

An interim action is enacted as if it were a permanent status change and carries with it the same restrictions and conditions, unless modified by the Associate Director of Community Standards and Residence Life, the Associate Dean of Students, or designee. The interim action shall continue until a hearing results in either a return to the previous student status or a change to the student's status based on the outcome of the hearing.

If the formal hearing body recommends suspension, or expulsion, an interim action shall continue during any period of appeal review.

If the student is found not responsible, the student will be immediately returned to their previous student status. However, the student shall not be entitled to a refund if they were temporarily removed from the residence hall or the University.

Unless the student is suspended or expelled from the University as a result of the hearing process, the student will be permitted to make up all academic classwork and examinations missed during any interim suspension period.

Resident students will normally be given no more than two (2) hours to vacate the residence hall if interim suspension from the University or interim suspension from the residence halls is imposed. To the extent feasible, the area coordinator will assist a temporarily suspended resident in storing belongings if requested.

In some cases, the student may not be permitted to continue (during the period of suspension) any University meal plan in which the student is a participant. The types of conduct violations which may result in interim suspension from the University or residence halls include, but are not limited to:

- Bomb threats;

- False fire alarms (pull boxes, smoke detectors, etc.);
- Physical abuse or assault of another person;
- Verbal intimidation or threats directed toward another person or a group of people;
- Sexual assault, sexual harassment, domestic violence, dating violence, stalking, and retaliation of another person;
- Possession, use, sale of firearms or other weapons;
- Possession, use, sale, distribution, or manufacture of illegal drugs;
- Malicious vandalism or theft to the physical plant or to the personal property of another resident;
- Possession of commercially prepared alcohol containers (e.g., kegs, beer balls, etc.) in restricted areas or possession of bulk alcoholic beverages;
- Making threatening statements regarding the use of firearms, explosives or other types of weapons to bring harm to members of the University community.

When sufficient evidence to believe that a student had committed a serious violation of the *Student Conduct Code*, or if a student's continued presence in a residence hall constitutes a disruption to its orderly operation, the director of residence life or designee may temporarily relocate the student to another residence facility pending a hearing. The accused student may be restricted from visiting specific residence facilities during the period of the relocation.

SECTION 8. SANCTIONS FOR NON-SEXUAL VIOLENCE CASES

Sanctions are a developmental and educational tool, with the purpose of redirecting the student's behavior towards a pattern that fits the mission and values of the institution and in some cases to restore the damage that resulted in the disciplinary action of the student. Furthermore, sanctions are determined by considering the nature of the misconduct, student's conduct history, and mitigating or aggravating factors. With respect to student organizations, athletic teams, or other groups on campus facing disciplinary action, the Community Standards office will obtain recommendations from other applicable University departments and offices, which may include, but is not limited to, Athletics and Recreation, Diversity and Multicultural Affairs, Student Involvement and Activities, and may also include a review of the conduct history of individual members of the group of students.

The possible actions available for hearing officers and boards within the student conduct process are described below. Cases of alleged sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation will follow the Sexual Violence Investigation and Resolution Procedures as outlined in Section 10 of this *Student Conduct Code*. The Sexual Violence Policy has been adapted from the *Equal Opportunity, Diversity and Affirmative Action Plan*, which was approved by the Massachusetts Board of Higher Education on December 9, 2014 and implemented by all Massachusetts state universities on March 15, 2015.

Disciplinary Standing

1. Warning – written notice to a student that the student has failed to meet the University's standards of conduct. The warning includes written notification from the hearing officer or board to the student indicating that repetition of infractions of University regulations will result in more severe disciplinary action.
2. Disciplinary Probation – a probationary status not to exceed one year. This is a set period of time during which the student is given the opportunity to modify behavior, to complete specific assignments, meet with designated persons, and demonstrate a positive contribution to the University

community. At this level, residential restrictions may be imposed as a preventative measure to avoid future violations to the *Student Conduct Code*. These can include, but are not limited to, residential relocation, guest restrictions, weekend housing suspension, residential ban, and restrictions from particular residence halls.

3. Suspension from the residence halls – prohibition of the student from living in or visiting the residence halls for a specified period of time not to exceed one year. The student may not be readmitted, reapply, or be placed on a waiting list for a residence hall room until the suspension is concluded. This sanction may also include suspension from the residence hall for specified time periods, such as weekends.
4. Expulsion from the residence halls – permanent prohibition of the student from living in or visiting the residence halls without the possibility of readmission to the residence halls. A sanction of expulsion from the residence halls must be reviewed and approved by the Dean of Students before it becomes effective.
5. University Probation – a restrictive probationary status imposed for a specific time period, not to exceed three (3) semesters. This is a set period of time during which the student or student organization is given the opportunity to modify behavior, to complete specific assignments, meet with designated persons, and demonstrate a positive contribution to the University community in an effort to regain privileges within the University community. Restrictions may be imposed by the hearing officer or conduct board as a condition of university probation. Such restrictions may include, but are not limited to, prohibiting a student from serving on University committees or subcommittees, holding elected or appointed office in the student government association (SGA) or campus organizations, or participating in intercollegiate athletics. A responsible finding for any violation(s) of any University policy during the probationary period will be viewed as a violation of probation, and will result in further disciplinary action being imposed, including, but not limited to suspension and expulsion.
6. Suspension from the University – exclusion from classes and from all privileges and activities of the University for a definite period of time, not to exceed one year. The student may not be readmitted, reapply, or be placed on a waiting list for a residence hall room until the suspension is concluded. During a period of suspension, a student is not permitted on the University property without the express permission of the Dean of Students or designee. If a suspended student violates any University regulations during the suspension period or the conditions of the suspension, that student will be subject to further action in the form of expulsion. This action may be deferred to become effective after a certain date. The student will be placed on a status equivalent to “Disciplinary Probation” in that case.
7. Expulsion from the University – permanent termination of the student status without the possibility of readmission to the University. An expelled student is not permitted on University property. A sanction of expulsion must be reviewed and approved by the Dean of Students before it becomes effective. The student must leave the campus on the date determined by the hearing officer. The student will be restricted from visiting the University, which may include a criminal trespass warning.

Corrective and Educational Sanctions

1. Alcohol Check-in Group – a 90-minute interactive group that is designed to be non-judgmental in order to enable students to make their own decisions about alcohol consumption. Discussions led by a Counseling and Health Services staff member will include facts and tips to minimize the negative

effects of alcohol and ways to stay safe. Each group will have up to 25 students and all meetings are confidential and only the student's participation and completion of a sanction will be reported back to the Community Standards office.

2. Engagement Hours/Community Service – assignment of an appropriate service project that will benefit the University community, responsible student or others.
3. Fines – financial sanction.
4. Individual Check-ins for Alcohol and Other Drugs – individual check-ins include two (2) 50-minute meetings with staff, along with completing the eCheckup To Go questionnaire between meetings. The supportive, non-judgmental meetings focus on discussing the student's alcohol and/or drug use, giving personalized feedback, and developing strategies to help the student make informed decisions about alcohol and/or drugs. All meetings are confidential and only the student's participation and completion of the sanction will be reported back to the Community Standards office.
5. Mandatory assessment – the health and safety of our students is important to us. As a result, students who have been involved in a concerning incident must undergo a mandatory assessment by Counseling & Health Services (C&HS). All evaluations and services offered by C&HS shall be kept confidential. However, C&HS will notify the referring hearing officer and/or the Community Standards office that the student has made contact with the student's permission.
6. Residential ban – restriction from accessing all or specific residence halls. The hearing officer or hearing board must specify the date after which the student may regain these privileges.
7. Residence hall relocation – an action taken against a residence hall student, by which the student is relocated to another residence facility on campus. Additionally, the student's visitation privileges may be restricted.
8. Restitution – reimbursement by the student to the University or a member of the University community through payment of money or performance of an appropriate work requirement because of damage or loss to University or personal property, or misappropriation of the same.
9. Restriction or revocation of privileges – temporary or permanent loss of privileges as an alternative to another sanction or as a condition of a particular sanction. Such action includes, but is not limited to: use of a specific University facility, residence hall visitation privileges, campus motor vehicle parking and operating privileges, and social privileges. The hearing officer or hearing board must specify the date after which the student may regain these privileges.
10. Special assignment – a work project or special assignment imposed by a hearing officer or hearing board either as an alternate to another sanction or as a condition of a particular sanction. An effort will be made to select an assignment which is appropriate to the offense and does not degrade the individual or inhibit academic progress or health. Special assignments may include, but are not limited to: community service at an approved location; engagement hours in a specific campus office, building or area; written report or reflection paper; and participation in extracurricular programs or counseling groups. Failure to complete a special assignment by the date set by the hearing officer or hearing board will result in the imposition of more severe sanctions.

Other Sanctions

1. Revocation of Admission or Degree – Admission to the University or revocation of a degree awarded from the University may be revoked for fraud, misrepresentation, or another violation of the *Student Conduct Code* committed during the course of obtaining the degree or for other serious violations committed by a student after admission or prior to graduation.

2. Withholding Degree – The University may withhold awarding a degree otherwise earned until the completion of the disciplinary process set forth in the *Student Conduct Code*, including the completion of all sanctions imposed if any.

Student Organization Sanctions

The following sanctions may be imposed upon any student organizations found to have violated the *Student Conduct Code*. Note that this is not an exhaustive list of sanctions:

1. Those sanctions listed above.
2. Loss of Recognition – Loss of all University privileges for a designated period of time. Loss of recognition for more than two consecutive semesters requires a student organization to reapply for University recognition. Conditions for future recognition may be specified. Students may not continue to participate or associate in a student organization or accept further members during any Loss of Recognition.
3. Disciplinary Hold – a hold may be placed on the student organization’s ability to use all or specific University privileges.

SECTION 9. APPEALS PROCESS FOR NON-SEXUAL VIOLENCE CASES

The University has implemented procedures for students to appeal. Appeals are not re-hearing of the facts of the case, but rather an examination of the procedure and/or outcome. General dissatisfaction with the outcome of a conduct case or an appeal for mercy is not an appropriate basis for an appeal. Disciplinary actions or conduct sanctions/decisions rendered by members of the Student Life staff or its hearing officers may be appealed one time only to a hearing officer one professional level up from the person who rendered the original decision. The sanction(s) resulting from a disciplinary decision will be considered on hold until the decision is affirmed, modified or reversed in the appeals process.

An appeal must be made in writing or electronically within five (5) business days of the notification of the outcome of the case to the parties involved in the original decision and should include the grounds for the appeal and all relevant information. The decision to consider the appeal is a separate action from actually determining the appeal. If the appeal officer determines that the appeal does not meet any of the criteria for appeal, the student will be notified in writing via University email address within three (3) business days after the appeal request has been submitted.

The possible criteria for appeal are:

- A. The original hearing was not conducted according to established procedures or had significant procedural errors or irregularities that denied the student(s) a fair hearing.
- B. The student has new information that was not reasonably available prior to the original hearing and that information is likely to have substantially changed the outcome of the hearing.
- C. The sanction imposed appear/appears to be significantly incongruent with the violation.

All requests for appeal must outline the following:

- A. Any appeal based on criterion “A” must include all of the following:

- 1) Citation of specific procedural errors or irregularities with appropriate reference to the *Student Conduct Code*;
 - 2) Reason(s) why procedural error was not mentioned in the original hearing;
 - 3) Reason(s) why correction of error can contribute to a decision other than that which was originally made.
- B. Any appeal based on criterion “B” must include all of the following:
- 1) Nature of the new evidence;
 - 2) Name(s) of anyone who will present this evidence;
 - 3) Reason(s) why evidence was not discussed at original hearing;
 - 4) Reason(s) why evidence can contribute to a decision other than that which was originally made.
- C. Any appeal based on criterion “C” must include specific information indicating that the sanction is unreasonable in light of the finding of responsible for violating the conduct regulation(s).

The appeal officer may take the following actions after considering or determining an appeal:

1. Remand the matter to the original hearing officer to be reheard in whole or in part. At the discretion of the appeal officer a different official or hearing method may be designated;
2. Affirm the original decision and sanction(s);
3. Reverse the original decision and sanction(s);
4. Affirm or reverse the original decision in part and/or alter the sanction(s) which could increase or decrease the severity of the sanction(s).

A notification of the decision regarding the appeal will be made to the student in person, in writing, or communicated via University email address. The appeal decision will normally be rendered within two weeks of the written appeal. The decision of the appeal officer is final and effective immediately.

SECTION 10. SEXUAL VIOLENCE POLICY

Salem State will not tolerate sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation in any form. Where there is probable cause to believe that the University’s regulations prohibiting such acts have been violated, the University will encourage the alleged victim to pursue disciplinary action through the Sexual Violence Investigation and Resolution Procedures. (To view the *Equal Opportunity, Diversity and Affirmative Action Plan* in its entirety, please go to <http://salemstate.edu/policies/>.) Disciplinary sanctions for violations of sexual assault, sexual harassment, domestic violence, dating violence, stalking, and/or retaliation may include suspension, or expulsion from the University. A student charged with any of the aforementioned offenses may be prosecuted under Massachusetts criminal statutes and can be disciplined under the University’s Sexual Violence Investigation and Resolution Procedures (see page 25).

Salem State University will not tolerate any member of the University community from sexually harassing, discriminating or assaulting another employee, student or other person having dealings with the University. This policy applies to face-to-face violations as well as those perpetrated through the use of electronic media. The University is committed to providing a working, living and learning environment that is free from all forms of sexually abusive, harassing or coercive conduct. This policy seeks to protect the rights of all members of the University community (faculty, librarians, administrators, staff, and students) and other persons having dealings with the University, to be treated with respect and dignity.

A. Definitions and Protocols

Refer to <http://salemstate.edu/TitleIX> for more information regarding Title IX and VaWA.

What is Title IX?

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX also covers sexual violence and reminds schools of their responsibilities to take immediate and effective steps to respond to sexual violence.

What is the Violence Against Women Act (VaWA)?

This Act addresses and prohibits acts of violence motivated by gender.

What is consent?

Consent is an understandable exchange of affirmative words or actions, which indicate a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement.

Silence, previous sexual relationships or experiences, and/or a current relationship may not, in themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

An individual who is incapacitated by alcohol and/or drugs both voluntarily or involuntarily consumed may not give consent. Alcohol or drug related incapacitation is more severe than impairment, being under the influence, or intoxication. Evidence of incapacity may be detected from context clues, such as slurred speech, bloodshot eyes, the smell of alcohol on the breath, shaky equilibrium, vomiting, unusual behavior or unconsciousness. While context clues are important in determining incapacitation, they alone do not necessarily indicate incapacitation.

When consent cannot be given:

- One of the persons is under the age of consent (16 years old in Massachusetts)
- Persons who are intellectually incapable of understanding the implications and consequences of the act or actions in question
- Persons who are physically helpless (i.e., one who is asleep, blacked out, involuntarily physically restrained, unconscious, or, for any other reason, unable to communicate unwillingness to engage in any act)

The use of alcohol or drugs to render another person mentally or physically incapacitated as a precursor to or part of a sexual assault is prohibited. The use of alcohol, medications or other drugs does not excuse a violation of this policy.

Who is the Complainant?

The Complainant is the individual making a complaint against someone else of engaging in sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation in any form.

Who is the Respondent?

The Respondent is the individual who is being accused of engaging in sexual assault, sexual misconduct,

sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation in any form.

What is Sexual Assault?

Types: Acquaintance Rape, Gang Rape, Stranger Rape, Sexual Harassment, and Indecent Assault and Battery.

Definition of Sexual Assault: Sexual assault is any kind of sexual physical contact that involves any form of coercion, force or lack of consent. Sexual physical contact includes the intentional touching of another person on an area of the body generally recognized as a private part of the body, or touching any part of another person's body with a private part of one's own body or object, no matter how slight. Sexual intercourse means penetration, no matter how slight, of a bodily orifice (vagina, anus, or mouth) by an object or by a body part, and/or non-consensual oral sex or anal sex.

Definition of Rape: The penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent. Rape is also the performance of oral sex or anal sex on another person without that person's consent.

Definition of Sexual Harassment: Unwelcome conduct of a sexual nature is prohibited when: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating a sexually intimidating, hostile, or offensive employment, educational, or living environment. Examples of sexual harassment may include, but are not limited to: repeatedly pressuring another person for sexual activity; making sexist remarks about an individual's clothing, body or sexual activities; unnecessary touching, patting or pinching another person; demanding sex from a subordinate while making threats concerning the subordinate's job; demanding sex from a student while making implied threats concerning the student's grade; electronically transmitting derogatory, demeaning or pornographic materials; posting explicit sexual pictures on an exterior office door or on a computer monitor; and sexually assaulting another person.

Definition of Acquaintance Rape: Sexual intercourse undertaken by a friend or acquaintance without the consent of the victim. Acquaintance rape occurs when a person is forced to have sexual intercourse over his or her objections or as a result of threats, physical restraints, or physical violence.

Definition of Indecent Assault and Battery: Any unwanted sexual contact; including but not limited to, unwanted touching, kissing, or fondling of any body part of a person.

What is Domestic Violence?

Types of Domestic Violence: Attempting to cause or causing physical or emotional harm; placing another in fear or imminent serious physical harm; causing another to engage involuntarily in sexual relations by force, threat or duress (rape).

Definition of Domestic Violence: Acts of abusive or coercive behavior (physical, sexual, financial, verbal and/or emotional) used by a perpetrator to gain or exercise control over another, including any behaviors that intimidate, manipulate, humiliate, isolate, frighten, threaten, blame, hurt, injure, or wound someone.

Domestic violence can occur in relationships between persons of any gender and is such behavior directed against a current or former spouse, family member (blood, step, adoptive or foster), person with whom a child is shared, or cohabitant (possibly a roommate). Persons involved in a Domestic Violence situation can file for an Abuse Prevention order, otherwise known as a 209-A Order. The victim can contact University Police and they will assist with obtaining this order, 24 hours a day, and seven days a week.

What is Stalking?

Types of Stalking: Stalking may occur in a range of formats including, but not limited to, in-person conduct, writings, texting, voicemail, email, social media, following someone with a global position system (GPS), and video/audio recording.

Definition of Stalking: Engaging in a course of harassing, threatening, or unwanted behavior that would cause a reasonable person to suffer substantial emotional distress or fear for their safety or the safety of others.

What is Dating Violence?

Definition of Dating Violence: Acts of abusive or coercive behavior (physical, sexual, financial, verbal and/or emotional) used by a perpetrator to gain or exercise control over another, including any behaviors that intimidate, manipulate, humiliate, isolate, frighten, threaten, blame, hurt, injure, or wound someone. Dating violence can occur in relationships between persons of any gender and is such behavior directed against another person in a social relationship of a romantic or intimate nature, and where the existence of such a relationship is determined based on a consideration of the length and type of relationship and frequency of interaction between the persons involved.

What is Harassment?

Definition of Harassment: Three or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse, or damage to property and that does in fact cause fear, intimidation, abuse, or damage to property. Unwelcome conduct of a nonsexual nature based on a person's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes, is prohibited when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment based on gender.

What is Sexual Misconduct?

Types of Sexual Misconduct: Misconduct may include, but is not limited to, non-consensual videotaping or audio taping of sexual activity, engaging in peeping on others, sexting, internet dissemination of sexual materials, performing sexual acts in the presence of another without their consent, or any sexual exploitation, which is taking non-consensual sexual advantage of another for one's benefit or for the benefit of others, or sexual coercion, which is the act of persuading, pressuring, or forcing someone to have sexual contact with someone against their will, prostitution (cash or non-cash payments) or lewd and indecent behavior.

Definition of Sexual Misconduct: Misconduct of a sexual nature typically perpetrated against someone's will or without their consent or at the expense of another.

What is Retaliation?

SSU prohibits retaliation against any person for making a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, for assisting in making a complaint, for resisting or openly opposing such conduct, or for otherwise using or participating in the complaint investigation process under the Sexual Violence Policy. Persons who file, or participate in the investigation or resolution of, claims or complaints of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation with outside agencies, law enforcement or otherwise pursuant to any applicable state or federal law, are also protected from retaliation by the Sexual Violence Policy. Prohibited retaliation includes, but is not limited to: threats; intimidation; reprisals; continued harassment or misconduct; other forms of harassment; slander and libel; and adverse actions related to employment or education. Retaliation can be committed by individuals or groups, including friends, relatives or other associates of the person against whom a complaint is filed. Retaliation, even in the absence of proven sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence or stalking in an underlying complaint, constitutes a violation of the Sexual Violence Policy that is just as serious as the main offense itself.

What is preponderance of the evidence?

The preponderance of the evidence is the burden of proof standard used in Sexual Violence Investigation and Resolution Procedures. This means the Complainant must prove by the greater weight of the evidence that the Respondent actually violated the *Sexual Violence Policy*. In other words, considering all the evidence in the case, the administrative investigator and the administrative review board must be persuaded considering all the evidence in the case that more likely than not that a violation of the *Sexual Violence Policy* occurred.

Title IX and VaWA Reminders

- Reports cannot remain confidential. Title IX requires institutions to report and take action.
- Students have the right not to share information. It is important to know that the University may then be limited in its response.

Confidentiality

Employees (faculty, staff and administrators) are not able to keep reports of sexual assault confidential. According to Title IX, "If a complainant insists that his/her name not be disclosed to the alleged perpetrator, the school should inform the complainant that **its ability to respond may be limited.**" Specific information is not share publicly, rather only with the Title IX Coordinator and those trained to respond to such information.

At the same time, different resources on campus come with different levels of privacy and, subsequently, different abilities to assist with the situation. Faculty, staff and administrators are not considered a confidential source that is protected by law. If a student wants to talk to someone and be assured of confidentiality, please refer to the following offices:

- Counseling and Health Services
- PEAR Program
- Spiritual Life
- Off-campus counseling or medical care

Preservation of Evidence

Any person who has experienced sexual violence is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to the proof of a crime or to obtain a protection order from the

court. After an incident occurs, one should try to refrain from bathing, showering, brushing teeth, drinking, eating, douching or changing clothes until the evidence can be collected. If one changes clothes, one should place each garment in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g., pictures/videos, texts, social media posts, etc.), take care to preserve copies and not delete the originals.

Advisors

Students have the right to an advisor to be present during any meetings regarding the process (other than meetings between victims and University officials regarding accommodation or protective interim measures) and disciplinary proceedings. Except as otherwise required by law, the advisor may observe, but may not participate in any way whatsoever, including, without limitation, by asking questions or speaking during the meeting or proceeding. The advisor's role is to provide support and/or advice to the party. During meetings and proceedings, the advisor may speak with the party or pass notes in a non-disruptive manner. The University reserves the right to remove from the meeting or proceeding any advisor who disrupts the process, or who does not abide by the restrictions on their participation. In addition, please note that the University does not need to cancel or delay a meeting or proceeding simply because an advisor cannot be present. Further, the advisor is not permitted to attend a meeting or proceeding without the student.

Sexual Violence Investigation and Resolution Procedures

If a complaint has been properly filed, or the University otherwise determines that an administrative investigation is necessary, the University will assign the matter to an administrative investigator. The University may also designate other trained and knowledgeable University officials with the administrative investigation. The administrative investigator will promptly notify the respondent of the complaint, provide the student with a copy of the complaint, and invite the respondent to submit a written response to the complaint. If the respondent does not respond, or otherwise fails to participate in the administrative investigation, the administrative investigator will complete the administrative investigation on the basis of the other information obtained. Where a complaint is brought by a third party reporter, the administrative investigator shall attempt to meet with the potential complainant to discuss their participation in the administrative investigation and gain additional information.

The administrative investigation shall include, but is not limited: an analysis of the allegations and defenses presented using the preponderance of the evidence standard; consideration of all relevant documents, including written statements and other materials presented by the parties; interviews of the parties and other individuals and/or witnesses; and/or reviewing certain documents or materials in the possession of either party that the administrative investigator has deemed relevant. The administrative investigator may review any University police investigation reports or the investigation reports of local law enforcement authorities.

In regards to the complaints alleging sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation, questions, statements, or information about the sexual activity of the complainant or alleged victim with any person other than the respondent is not relevant and will not be considered. If the complainant raises the issue of their own sexual activity with anyone other than the respondent, the administrative investigator may ask relevant questions about that relationship. Parties to complaints of sexual violence or other gender-based misconduct are permitted to submit questions for the administrative investigator to ask of the other parties and witnesses, but the questions must be specifically about the allegations of the present complaint.

A person making a complaint of sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation may submit a statement. Likewise, the Respondent to a complaint of sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation may submit a statement.

At the conclusion of the administrative investigation, the administrative investigator shall prepare an Administrative Investigation Report for submission to the Student Title IX Review Board to review. The Administrative Investigation Report shall: outline the administrative investigation steps undertaken; summarize the factual findings; state whether a policy violation has occurred based on the preponderance of the evidence; explain the rationale for the violation determination; and if applicable, recommend a sanction(s). The administrative investigation report will not be shared with the parties except upon request following the issuance of the notice of outcome, and then only in accordance with applicable law.

B. Getting Help (Who to talk to)

The University recognizes that sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation can be a very traumatic crime and as such it will endeavor to work with students who are victims of such crimes to reduce fears and concerns regarding their personal safety. Any individuals who believe they may have experienced sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation may receive important information and assistance regarding the University's policies and responsive processes from any of the following offices. In addition, these offices are available for complaints of sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation to be filed in:

On Campus Resources

Salem State University Police (available 24-hours a day)

Office Location: Central Campus

Telephone: 978.542.6111

*University Police is able to take immediate action to help you. They can assist in obtaining a restraining order.

Dean of Students Office

Office Location: Meier Hall room 245

Telephone: 978.542.6401

Email: studentlife@salemstate.edu

*The Dean of Students office is able to take action in many areas to protect you, through utilization of the student conduct process.

Title IX Coordinator: Siobhain Feeney

Office Location: North Campus, Administration Annex

Telephone: 978.542.2985

Email: sfeeney@salemstate.edu

*The Title IX Coordinator oversees and ensures compliance of issues related to sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation.

Residence Life

Office Location: Atlantic Hall room 131

Telephone: 978.542.6416

Email: housing@salemstate.edu

*Residence Life is able to take action to help you, through utilization of the student conduct process.

Counseling and Health Services

Office Location: Ellison Campus Center room 107

Telephone: 978.542.6410 or 978.542.6413

*Counseling and Health Services is a **confidential** resource and can provide mediation and counseling services as well as information and support. They can advocate for you with your consent.

PEAR (Prevention, Education, Advocacy, Response) Program

Office Location: Ellison Campus Center room 112

Telephone: 978.542.2987

24/7 **confidential** PEAR Hotline: 978.594.7089 (call or text)

Email: carmstrong@salemstate.edu

*The PEAR Program provides programs, trainings and advocacy on topics related to sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation. The 24/7 **confidential** PEAR hotline goes to a **confidential** advocate who can provide support, information, referrals, and follow-up for Salem State students.

Spiritual Life

Office Location: Ellison Campus Center room 219

Telephone: 978.542.6129

Email: lbiddle@salemstate.edu

*Spiritual Life is a **confidential** resource and can provide information and support. The coordinator for spiritual life can advocate for you with your consent.

If an apparent conflict of interest prevents use of the assistance of the above offices, the person complaining of sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation may request assistance directly from the President's Office, located in Meier Hall room 316. The telephone number is 978.542.6134 and the email address is president@salemstate.edu.

Off Campus Resources

The following are additional off campus resources that are available for you:

YWCA North Shore Rape Crisis Center

24-hour hotline: 800.922.8772

*Free, confidential, and can accompany you at the hospital, police station, and/or court

Healing Abuse Working for Change (HAWC)

24-hour hotline: 800.547.1649

*Free comprehensive services to all individuals experiencing domestic violence

Safety Planning

Victims and/or survivors are reminded that on campus and off campus counseling services exist for the emotional well-being of Salem State University students.

Students may request to change academic and residential (on-campus) situations after an alleged sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation incident, and may request assistance to do so if changes are reasonably available.

How to Report an Incident of Sex Discrimination

The University recognizes that sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation can be a very traumatic crime and as such it will endeavor to work with students who are victims of such crimes to reduce fears and concerns regarding their personal safety. Depending on the nature of the incident, one or more of the following options may apply:

1. You can proceed with an on-campus complaint through the Sexual Violence Investigation and Resolution Procedures. A complaint can be filed with a residence life staff member, the Dean of Students office, or the Title IX coordinator.
2. Though the decision to contact the police is a personal one, the University committed to supporting victims who decide to report the crime to the police. Deciding whether to report the crime to the police may be very difficult, but if you do decide to pursue criminal charges, you can proceed with off-campus criminal charges by filing a complaint with the Salem State University police department.
3. You may request a court-issued restraining order through the Salem State University police department.
4. You do not have to pursue any official action.

Remember: Whatever option you decide, it is important that you at least report and document the incident.

Options for Survivors

Sexual Violence Investigation and Resolution Procedures: If you want to pursue campus action, a complaint may be filed with a Residence Life staff member, the Dean of Students office or the Title IX Coordinator. Staff members will investigate the complaint and, if appropriate, the University will levy charges against the student(s) and process the complaint through the Sexual Violence Investigation and Resolution Procedures. See above in the section of Definitions and Protocols for a description of what the process looks like.

Criminal Charges: Deciding whether to report the crime to the police may be very difficult, but if you do decide to pursue criminal charges, you may do so by filing a complaint with the Salem State University police department. The officers will investigate your complaint and, if founded, will assist you in bringing the matter forward to the local district attorney's office. Should the district attorney's office decide to pursue this matter, the student defendant will then be summonsed to court to deal with the charges. You may be called to testify if the matter proceeds to a trial level. Please note that you may also pursue civil charges through your own attorney.

Protective Order / Restraining Order: If you feel a person is intimidating, abusing, assaulting or harassing you, you can seek a **restraining order**. **If you need this order after hours or on a weekend, you can obtain one through** the Salem State University police department. You can also obtain this order on your own through the district court where you live. A protective order is an order issued by a judge, notifying the person whom you feel is harassing you to stay away from you and to refrain from contacting you. The order also informs the person that criminal charges will be filed if the restraining

order is violated. The PEAR Program can offer you more information about these orders or answer questions you may have about them.

No Contact Order: This is an administrative action. However, it is a directive from the University to two or more parties that states they are not to have any contact with each other whether in person, through social media, and/or through a 3rd party. Violation of this order may result in disciplinary action through the University's student conduct system.

Other Action: Even if you decide not to file a complaint against someone, the University may be able to assist you in various ways. For instance, the University can document the incident that occurred. You may change your mind and reserve the right to file a complaint later on, so fresh and current documentation is important.

C. Administrative Procedure

1. Mediation is not an option and will not be permissible for sexual assault, domestic violence, dating violence, and/or stalking allegations.
2. Salem State University will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation. Salem State University will take immediate steps to protect the student in the educational setting.
3. The student being charged and the student bringing charges will be informed of the outcome of any campus disciplinary proceeding brought forward alleging a sexual violence or gender-based misconduct.
4. Victims of sexual assault shall have the opportunity to notify proper law enforcement authorities and shall have the option to be assisted by campus personnel in notifying these authorities, if the student chooses to do so.
5. The Title IX Coordinator will review the recipient's disciplinary procedures to ensure that the procedures comply with the prompt and equitable requirements of Title IX.
6. Salem State University will provide an appeals process for both parties if needed.

D. Your Rights as a Complainant (Survivor):

- to an explanation of the options available;
- to referrals to confidential assistance and support services from both on- and off-campus resources, including 24 hour services;
- to a change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- to request that the University impose no contact/communication orders or other interim measures;
- to make a complaint that starts the University's investigation and resolution processes;
- to a prompt, thorough and equitable investigation and resolution of a complaint;
- to choose whether or not to initiate a formal investigation of the complaint, unless the University deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- to the confidentiality of the investigation process to the extent possible (see Privacy and Confidentiality at Section G);
- to an advisor of one's choice who will assist and be present at any time during the investigation proceedings, but who may not participate in or otherwise provide representation in any way throughout the process;
- to reasonable accommodations for a documented disability during the process;

- to know, in advance, the names of all persons known to be involved;
- not to have irrelevant sexual history discussed;
- to be present at meetings and review documents;
- to speak and present information on one's own behalf;
- to submit questions for the Administrative Investigator to ask witnesses;
- to know the status of the case at any point during the process;
- to be informed of the outcome of the process in a timely manner;
- to an appeal from the outcome of the process;
- to file no complaint with the University, but receive support services from the University;
- to file a police report and/or take legal action separate from and/or in addition to the University discipline process;
- to seek and enforce a no contact, restraining or similar court order;
- to be assisted by the University in seeking assistance from or filing a complaint with local law enforcement;
- to not file a complaint or seek assistance from local law enforcement, but receive support services from the University;
- to be free from any behavior that may be construed by the University to be intimidating, harassing or retaliatory; and
- to have the matter handled in accordance with University Policy.

E. Your Rights as a Respondent (Student Being Accused):

- to an explanation of the allegations against them;
- to referrals to confidential assistance and support services from both on- and off-campus resources, including 24 hour services;
- to receive a copy of the complaint filed against them;
- to be presumed not in violation of University policy until a violation is established through the complaint investigation process;
- to the confidentiality of the investigation process to the extent possible (see Privacy and Confidentiality at Section G);
- to an advisor of one's choice who will assist and be present at any time during the investigation proceedings, but who may not participate in or otherwise provide representation in any way throughout the process;
- to reasonable accommodations for a documented disability during the process;
- to know, in advance, the names of all persons known to be involved;
- not to have irrelevant sexual history discussed;
- to be present at meetings and review documents;
- to speak and present information on one's own behalf;
- to submit questions for the Administrative Investigator to ask witnesses;
- to know the status of the case at any point during the investigation and resolution process;
- to be informed of the outcome of the process in a timely manner;
- to an appeal from the outcome of the process;
- to be free from any behavior that may be construed by the University to be intimidating, harassing or retaliatory; and to have the matter handled in accordance with University Policy.

F. Your Right to Appeal

Either party may appeal the results of an investigation under these Sexual Violence Investigation and Resolution Procedures by submitting a written letter of appeal to the Dean of Students or designee within five (5) business days of the party's receipt of the notice of outcome. An appeal may be transmitted electronically to the Dean of Students or designee. Appeals may be submitted on the following grounds:

1. To allege a material procedural error within the investigation and resolution process that would substantially change the outcome; or
2. To consider new evidence that was not known at the time of investigation that would substantially change the outcome.

Appeals for cases will not be considered on any other basis. Where practicable, within thirty (30) days of receiving the appeal, the appellate officer shall issue a written decision to all the parties at the same time in which it may uphold, reverse or modify the decision. All appellate decisions are final.

What if alcohol or other drugs were involved? Can I still report?

G. Amnesty Policy

At times, persons may be hesitant to report the occurrence of sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation to University officials because they are concerned that they might be charged with violations of the University's alcohol and/or drug policies. While the University does not condone these behaviors, it places a higher priority on the need to address instances of such offenses. In such cases, the University will not pursue disciplinary action towards violations of the alcohol and/or drug policies against a person who, in good faith, reports misconduct or violence, is a witness to, or has personal knowledge of sexual assault, sexual misconduct, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and/or retaliation.

SECTION 11. DISCIPLINARY RECORDS

1. All records of disciplinary action are maintained confidentially in the Community Standards office. In cases which involve suspension, or expulsion, the academic departments are notified and the action is also recorded on the student's academic transcript permanently.
2. No one outside the institution shall have access to a student's disciplinary record nor will the Community Standards office disclose any information in these records without the express written consent of the student involved except as provided in the "Family Educational Rights and Privacy Act of 1974."
3. Students wishing to review their disciplinary records may do so by making a request to the Community Standards office. Records will be made available within five (5) business days from the date of request.
4. Students who believe that their disciplinary records contain information that is inaccurate, misleading, or otherwise in violation of their privacy or other rights should follow procedures described in the "Family Educational Rights and Privacy Act of 1974" in order to correct them.
5. Disciplinary records shall be retained until two (2) years after the date of the student graduation or, in the case of withdrawals, the date the student would have normally graduated and then destroyed at the end of the next semester in which the date falls. Records of suspension, and expulsion shall be retained indefinitely.

SECTION 12. DISTRIBUTION AND AMENDMENT PROCEDURES

Distribution

1. The University shall publish a clear statement about the student conduct process which will be available for review by any member of the University community online.
2. Printed versions of the *Student Conduct Code* will be made available to campus offices at their request.

Amendment Procedures

Amendments to the rules, regulations, or procedures of the University as set forth in this document shall be carried out as follows:

1. All proposed amendments to this document by any member of the University community must be submitted to the Dean of Students for transmission to the appropriate contract committee. All proposals so submitted shall be forwarded to the Student Government Association (SGA) for recommendations and comments.
2. Once approved in accordance with contract committee procedures, the amendment shall be incorporated into the next scheduled publication of the *Student Conduct Code*.
3. Changes in the student conduct process made before the publication of the *Student Conduct Code* shall be communicated to the student body by appropriate means. An attempt will be made to give as much advance notification as possible.

APPENDIX A – HAZING POLICY

All forms of hazing by any individual, group, or organization are strictly prohibited by the university. Any infractions of the hazing policy by students, groups of students, or student organizations shall be processed through established campus disciplinary procedures.

1. Individual students found guilty of the hazing policy will be subject to disciplinary sanctions in the form of suspension, dismissal, or expulsion from the university.
2. Any student organization found guilty of the hazing policy will be subject to immediate loss of recognition for a specified period of time and possible revocation of its campus charter (if applicable). An organization desiring recognition after the specified time period shall reapply for recognition through the established campus procedures.
3. If a student affiliated with an organization acts individually or on the part of the organization to commit an act of hazing, both the student and the organization shall be held liable for the action and appropriate sanctions shall be imposed.

The following are the applicable laws of the Commonwealth of Massachusetts regarding hazing:

269:17. Hazing Prohibited; Definition; Penalties.

Section 17. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

269:18. Failure to Report Hazing; Penalty.

Section 18. Whoever knows that another person is the victim of hazing as defined in Section 17 and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

269:19. Notification by Schools of Hazing Law; Report by Schools; Disciplinary Policy.

Section 19. Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team, or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections 17 and 18; provided, however, that an institution’s compliance with this section’s requirements that an institution issue copies of this section and sections 17 and 18 to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution’s recognition or endorsement of said unaffiliated student groups, teams or organizations. Each such group, team or organization shall distribute a copy of this section and sections 17 and 18 to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team

or organization acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections 17 and 18, that each of its members, plebes, pledges, or applicants received a copy of section 17 and 18 and that such group, team or organization understands and agrees to comply with the provisions of this section and sections 17 and 18.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment deliver to each person who enrolls as a full time student in such institution a copy of this section and sections 17 and 18.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections 17 and 18 and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and, in the case of secondary institutions the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

APPENDIX B – ALCOHOL AND OTHER DRUGS POLICY

General Alcohol Policy for Students:

Students who are under 21 are not permitted to consume alcohol on campus at any time; to do so is a violation of state law and university policy, and will result in legal and/or student conduct action. You and your guests are subject to the laws of the Commonwealth of Massachusetts. Underage students who are cited for alcohol violations off campus may also face student conduct action by the university.

Regardless of your age, you may not drink in Bowditch Hall, Peabody Hall, Atlantic Hall, Marsh Hall, or Viking Hall. In addition, you may not have any alcohol containers (decorative or otherwise) or paraphernalia (e.g., bottles and cans, funnels, keg taps, etc.) in the above residential areas. The residence life staff may not allow you to sign guests into the building if you and/or your guests appear to be intoxicated. The staff may decide to contact university police officers for an assessment if they are concerned about a resident's or guest's safety.

Alcohol is permitted in students rooms and apartments of Bates Complex; and then, only by residents and guests who are 21 years of age or older. Visible alcohol is not permitted in the apartment or room if any visitors or guests are under the age of 21. Residents and guests under the age of 21 who have consumed alcohol or are found in possession of alcohol in Bates Complex will be subject to possible disciplinary action as outlined in the *Student Conduct Code*.

Residents who are 21 years of age or older in the Bates Complex may have in their possession no more than the following amounts of alcohol at any time:

- 1.75 liters of liquor or;
- One case of beer (30 – 12 oz. containers) or;
- Five (5) 750 milliliters or less bottles of wine

Common source containers including but not limited to: kegs, beer balls and beer machines; home brewing equipment; punchbowls; trashcans; whether empty or full, tapped or untapped, are prohibited and will be confiscated by the university. The university prohibits drinking paraphernalia, including but not limited to, drinking funnels, ice luges, and other items that encourage binge drinking. Students who sponsor, organize, facilitate, participate in, and are present during, or allow the use of their rooms for such activities may be subject to disciplinary action.

Empty alcohol containers found in the Bates common area of apartments are considered a health violation and will be subject to possible disciplinary action. Because of this, all students are asked not to store empty alcohol containers in their rooms, and are expected to dispose of them in the designated recycling or trash areas.

Any resident who invites a guest onto campus or into their room (including resident students who do not reside in the Bates Complex) assumes the responsibility of ensuring that their guest will act in an appropriate manner, as well as abide by all university policies. Should the guest of a Salem State resident violate the alcohol and other drugs policy, the host student will also be subject to disciplinary action.

Alcohol is not permitted in the lounges, stairwells, or hallways of any residential facility. Students in the Bates Complex are allowed to possess alcohol in their apartment/bedroom only when all present individuals are over the age of 21.

Large parties within the residential areas are not permitted. Social gatherings exceeding the guest limits with alcohol present will be dispersed regardless of the ages of guests. The maximum number of people allowed in a room or apartment at any time is two guests per resident of the room that is present (i.e., in a six (6) person apartment, there can be no more than 18 people present). Students who host parties, with or without alcohol, will be held accountable for any violations.

Residents of Bates Complex, who fail to comply with the above policies, will be subject to possible disciplinary action for violation of the Alcohol and Other Drugs Policy here and in the *Student Conduct Code*. If any resident over the age of 21 is found responsible for any violations of the above policies, including consuming alcohol in the presence of minors, the resident may lose 21+ housing privileges for the remainder of the academic year. If an apartment is found responsible for any violations of the above policies, including consuming alcohol in the presence of minors, the apartment may lose its 21+ housing privileges for the remainder of the academic year.

Good Samaritan Policy

In order to ensure that students receive prompt and appropriate attention for alcohol intoxication and that there are no impediments to seeking such assistance, the University upholds a Good Samaritan Policy. Instances in which a student calls University Police or another University office for assistance with an intoxicated or impaired student, neither the individual calling nor the student in need of assistance will be charged with violations of the University's policies on alcohol and other drugs. This policy does not preclude disciplinary action regarding other violations of University standards, such as causing or threatening physical harm, sexual abuse, damage to property, harassment, hazing, etc. Students should also be aware that this University policy does not prevent action by local and state authorities.)

Students who are taken to the hospital for treatment related to alcohol will be referred to the University's Counseling and Health Services. Serious or repeated incidents will prompt a higher degree of intervention with possible disciplinary actions. This policy is designed to save lives. The spirit of the Good Samaritan Policy is that we all have an ethical responsibility to help people in need. There is an expectation that students will take active steps to protect the safety and well-being of our community. Students found in violation of the alcohol policy through report of a sexual assault, psychological or medical emergency will not be automatically subject to the minimum sanction. Such sensitive situations will be handled on a case by case basis.

General Other Drugs Policy for Students:

No students shall knowingly sell, possess, manufacture, distribute or use on or off campus, substances defined by federal or state law as illegal. State criminal laws on possessing, distributing and using illicit and prescription drugs and drug paraphernalia are in effect on the university's property, which includes an elementary school on north campus and a daycare center on south campus, and one adjacent to central campus. Use/possession/sale/sharing of prescription medication that is not prescribed to a student is a violation of the *Student Conduct Code*, as well as a violation of the law. Additionally, the possession of drug paraphernalia is a violation of the *Student Conduct Code*. Students violating the state, and university regulations, face serious student conduct and legal action. On university property, no one may possess, use, sell, distribute, or manufacture illegal drugs or drug paraphernalia. Paraphernalia is defined as any device used to use illegal drugs. This includes but is not limited to bongs, pipes, rolling papers, etc.

Although Massachusetts law permits the use of recreational marijuana, federal laws prohibit the use, possession, and/or cultivation of marijuana at educational institutions. Federal laws also require any institution of higher education which receives federal funding to have policies prohibiting the possession and use of marijuana on campus. The use, possession, or cultivation of marijuana for recreational and/or

medical purposes is therefore not allowed in any University housing or on any other University property, owned or leased. The University will continue to enforce its current policies regarding controlled substances, and any students, faculty or employees who violate University policy prohibiting the use or possession of illegal drugs on campus, may be subject to disciplinary action.

In compliance with the Drug Free Schools and Communities Act Amendments of 1989, the Community Standards office publishes the following procedural guidelines to violations of the alcohol and other drugs policy:

<i>First violation may include:</i>	Written warning Engagement Hours or Community Service Alcohol and/or Drug Education
<i>Second violation may include:</i>	Disciplinary Probation Engagement Hours or Community Service Alcohol and/or Drug Education \$100 fine (for alcohol)
<i>Third violation may include:</i>	Range from suspension to expulsion from the residence halls or the university
<i>Note: Student found in violation of the alcohol and other drugs policy through report of a sexual assault, psychological or medical emergency will be handled on a case by case basis. In addition to the above institutional sanctions guideline, students who violate the alcohol and other drugs policy may be subject to criminal penalties provided by federal, state, and local laws.</i>	

APPENDIX C – TOBACCO-FREE CAMPUS POLICY

Salem State University recognizes the medical evidence that indicates that smoking and the use of tobacco products create a serious health hazard, and that this health hazard extends to non-smokers forced to breathe second-hand smoke. The primary responsibility of the university is to provide a healthy working and learning environment.

In the interest of further protecting the health and well-being of members and visitors of the university community, as of *September 1, 2011, the use of any tobacco product is prohibited on our campus*. This includes all buildings, grounds, parking lots, work areas, offices, restrooms, lobbies, public entrances, any vehicle parked on campus, etc. Because of our collective concern for the environment, our awareness of the harmful effects of tobacco use on the user, and how much is being written about the effects of second-hand smoke on the non-smoker, we are committing ourselves to a tobacco-free environment at Salem State University.

Recognition of this responsibility has resulted in the development of the following standards:

1. *The use of tobacco products is prohibited anywhere on the university campus, in any university building, in any vehicle owned, leased or rented by the university or any privately owned vehicle on campus grounds.*
2. The sale of tobacco products on campus is prohibited.
3. As with any university standard, violators will be subject to disciplinary action as prescribed in the university's student rules and regulations or appropriate agreement between the BHE and the university's unionized employees.
4. These university standards will be enforced by the university police department.
5. Individuals should not bring cigarettes/tobacco products onto the campus, including smoking devices such as, but not limited to, e-cigarettes and hookahs.

Policy

In compliance with the laws of the Commonwealth of Massachusetts, smoking is prohibited in all buildings administered by Salem State University.

In addition, the university has adopted a tobacco-free campus initiative and there is no use of tobacco products anywhere on campus property, including in vehicles in campus parking lots. Violations of these standards will subject the individual to disciplinary procedures found for students in the *Student Conduct Code* or for employees in the applicable collective bargaining agreement.

Smoking Cessation

A tobacco-free campus initiative has been implemented which includes an education and awareness component, smoking cessation opportunities, and other continuing efforts to facilitate the implementation of these new standards. Students seeking help with smoking cessation may contact counseling and health services at 978.542.6410. Employees may contact human resources to learn what services are available through our employee assistance program or you may contact your personal health insurance company.

Publicity

Every effort will be made to inform all members of the university community and public about the university's tobacco-free campus initiative. Such notification will include: signs on all buildings and on campus grounds, announcements at public events, reminders on programs and other materials, inclusion of the standards in the student handbook, accessibility via the university's counseling and health web page at salemstate.edu/chs and will be relayed during orientation sessions for new employees and new students.

Coverage

This policy shall apply to all administrators, faculty, staff, students, and guests of Salem State.

Disciplinary Sanctions for Tobacco Use

The Dean of Students office publishes the following procedural guidelines for students to violations of the tobacco-free campus policy:

First violation may include:

- Verbal Warning
- Smoking cessation packet

Second violation may include:

- Written Warning

Third violation may include:

- Disciplinary Probation

Subsequent violation:

- Referral to the Dean of Students office

APPENDIX D – PUBLIC SPEAKING, DISTRIBUTION OF LITERATURE, COMMERCIAL SOLICITATION AND DEMONSTRATIONS IN PUBLIC AREAS

Salem State University is committed to the provision of quality higher education. Whenever appropriate, and in order to maximize use of existing resources, the University will make its facilities available for use by University-affiliated persons or groups, and under agreements with outside parties who contribute to the welfare of the community or who require facilities unique to the University for purposes which are substantially related or complementary to the mission of the University. The University reserves the right to refuse the use of its facilities and grounds to any group or individual when it determines such use would be in conflict with or not enhance the mission of the University.

In making its facilities and grounds available for use, the University recognizes the rights of members of the University community and its visitors to freedom of assembly and speech, and strongly believes in fostering discourse and the free exchange of ideas at the University. Subject to the provisions of this Policy, members of the University community and its visitors may exercise such rights in appropriate public areas without seeking sponsorship or permission of the University. As a matter of law and University policy, however, these rights must be exercised on University property in a manner consistent with the mission and operation of the University and the rights of other members of the University community.

I. General Policies

A. The University's Educational Mission

Activities conducted in University facilities or on University grounds must have a primary purpose which is educational or informational and be carried out so as to benefit the campus in the fulfillment of its mission with sensitivity to the total community.

B. Non-Discrimination

The University, all students, staff and employees, all visitors, and all outside users of the University's facilities pursuant to an agreement must not discriminate and must comply with applicable laws prohibiting discrimination on the grounds of race, color, creed, religion, national origin, gender, age, disability, sexual orientation, gender identity, genetic information, marital status, veteran or other legally-protected status.

C. Restriction of Use

University facilities, grounds, and equipment will not be used by or contracted to groups or individuals for purposes that are illegal, determined by the University to be potentially harmful to person or property, or that are not substantially related or complementary to the mission of the University.

D. Conduct of Groups/Individuals

All groups, organizations, and individuals using University facilities, grounds, and equipment as internal users or outside parties under contract must adhere to all applicable University policies, procedures, and requirements relating to use of its facilities. All federal, state, and local statutes, ordinances, and regulations must be observed. All groups and individuals must insure that the rights of personal privacy and freedom of speech are not violated.

II. Freedom of Speech and Distribution of Literature in Public Areas

A. Rules and Guidelines

The University shall place no restrictions on the fundamental rights of free speech and assembly except

those that are necessary to preserve the orderly functioning of the University as an institution of higher learning. Students, staff, faculty, and visitors shall be permitted to distribute literature for non-commercial purposes, in the public areas on campus, provided that:

1. Public areas on campus shall be defined as those areas generally open to the public that do not serve a specific educational, administrative, research, health, residential, dining, athletic, or recreational purpose. Public areas are locations that by tradition or policy are available for public assembly and speech.

The University specifically recognizes the following public forum spaces: Alumni Plaza, Campus Center Lobby, Commons Dining Hall First Floor, Meier Hall First Floor Lobby, Central Campus Classroom Building Lobby, Marsh Dining Commons Lobby, and the Harrington Building Lobby.

2. Such public areas shall include, but not necessarily be limited to, lobbies of student/campus centers, parking lots, and other outdoor public areas of the campus constituting traditional public fora.

3. Areas on campus not open to the activities described above shall include, but not be limited to, classroom, laboratories and other instructional facilities, libraries, cafeterias, residence halls, and faculty, administrative and student offices.

4. Public areas may not be used between midnight to 6:00 a.m. All public areas must be cleaned up and restored to their previous states by midnight. Any materials left on the site after that time will be cleared by Facilities and the user may be charged for the costs of the cleanup.

5. Scheduled events sponsored by University organizations, departments or personnel will have priority over public area uses for access to all University facilities.

6. Activities described above shall not be permitted if human safety is threatened, if vehicular or pedestrian traffic is seriously disrupted, if University property is damaged, if it results in excessive littering, or there is any material interference with any educational or research activity.

B. Procedures for Public Address

Visitors to the campus, students, staff, or faculty wishing to use a public area to publicly address the University community at other than a University-sponsored event must first contact the Campus Center to insure that the time, place and manner of the address does not interfere with normal University functioning.

1. Within no less than 48 hours prior to the time requested to make a public address, persons wishing to use a public area space should inform Campus Center of the date, time, number of people involved, and the contact person for the event.

2. On a case-by-case basis, the University may waive the 48-hour notice requirement for spontaneous public addresses that are directly occasioned by news, events or affairs coming into public knowledge less than 48 hours prior to such address. Such spontaneous public addresses may be allowed upon the Alumni Plaza without the speaker or organizer first having to obtain a permit.

3. As a general rule, no individual or group will be permitted to engage in public address on campus more than two times per month and/or four visits per semester.

4. Persons wishing to use sound amplification in a public area must have such a request approved by the Campus Center Office. Sound amplification equipment used without the written approval of the Campus Center Office may be disconnected, removed, or confiscated by Campus Police if it interferes in the educational activities or business of the University or with the rights of others.

Where appropriate, the University shall endeavor to maintain open lines of communication with speakers and/or demonstrators and to provide opportunities for discussion of matters in dispute so long as the individuals behave in a manner consistent with University policy and the rights of others.

As a general rule, the University will not negotiate with individuals who occupy any University area or facility in violation of this policy or any other University policy, or with associated demonstrators, while any such occupation continues.

III. Commercial Activities and Solicitation on University Property

A. General Policy

The conducting of any commercial activity or solicitation, which shall be defined as proposing or conducting a commercial transaction for the profit of any person or business, is not permitted on the University's campus, with the following conditions and exceptions:

1. The sale of records, tapes, programs, and other items immediately before, during, or after concerts and other performances sponsored by the University or conducted under a valid license agreement shall be permitted provided that all such items are directly related to the person or group performing.
2. Vendors will be allowed to rent tables for commercial purposes in public areas (as defined in this Policy) selected by the campus, provided that:
 - a. a designated rental fee is paid to the campus;
 - b. the items sold or offered for sale are not in conflict with existing services already provided and are approved by the designated campus authority;
 - c. sales generally begin after 8:30 a.m. and end by 5:00 p.m. unless otherwise provided for in the license agreement; and
 - d. space generally is not reserved for more than a three-day period and not more than two times a month, unless otherwise provided for in the license agreement.
3. Commercial solicitation is permitted in only the Campus Center Lobby, Alumni Plaza, Commons Dining Hall First Floor, Meier Hall First Floor Lobby, Central Campus Classroom Building Lobby, Marsh Dining Commons Lobby, and the Harrington Building Lobby.
4. Door-to-door in residence halls by any individuals, including students, is expressly prohibited.
5. A license/permit shall be required by all commercial solicitors and, upon approval, will be issued by the designated authority on the campus, in accordance with the following guidelines:
 - a. All requests for commercial activity or solicitation must be made in writing to the Campus Center Office on the appropriate form. This form must be completed by the requester and submitted to the Campus Center Office no less than 72 hours prior to the time requested to begin soliciting.

- b. Requests for space are filled on a first-come, first-served basis.
- c. Permission to solicit will be issued for a specific period of time and location, and will be subject to such limitations as the Director of the Campus Center or designee may prescribe.
- d. Fees, if applicable, will be determined by the Director of the Campus Center or designee. All fees must be paid prior to the date of solicitation. Checks are to be made payable to Salem State University and delivered to the Campus Center Office.
- e. Authorization may not be granted in particular instances if it appears that any circumstances exist which may impede University activities or place an unacceptable burden on the University's Campus Police Department and/or other administrative staff.
- f. No vendor or solicitor will be permitted to engage in commercial activity on campus more than two times per month and/or four visits per semester, without permission by the Director of the Campus Center or designee.

6. Materials may not be hung, draped, or displayed on walls or windows without permission from the Campus Center Office. All items must be used safely, so as not to cause any damage to University property. Organizations using campus facilities are responsible for any damages occurring during their use. All equipment must conform to local fire laws and ordinances.

7. The University is not responsible for any accident incurred during the use of the space requested. All solicitors using campus facilities do so at their own risk.

B. Authorization to engage in commercial activity or solicitation does not constitute an endorsement or guarantee of any opinion, product or service by Salem State University.

C. Nothing in this policy shall prohibit the sale of goods and/or services to the University community by the University.

D. Harassment of members of the University community by those soliciting will be cause for immediate revocation of permission to commercially solicit on campus, at the discretion of the Director of the Campus Center or designee.

E. Individuals or organizations who do not comply with these commercial activity and solicitation policies and procedures may be subject to cancellation of soliciting privileges by the University.

IV. Guidelines for Responses to Demonstrations on University Property

Some members of the University community and some visitors to the campus on occasion have exceeded the bounds of appropriate expression during the course of such public area uses, by interfering in the educational activities and business of the University and with the rights of others. It is therefore desirable to re-affirm the importance of appropriate time, place and manner restrictions on demonstrations. Accordingly, and in order to provide further consistency in the application of University policies to on-campus protests, the University adopts the following guidelines for responding to demonstrations on University property:

- A. The University shall routinely and consistently apply the provisions of its code of conduct and other relevant policies and procedures to on-campus demonstrations.

B. The University shall take steps through appropriate procedures to hold speakers and demonstrators accountable for actions that violate University policies and regulations. Such improper actions include, but are not limited to:

1. material disruption of or interference with instructional activities, other University business and campus events;
2. actual or threats of physical violence, or other forms of harassment, or destruction of University and/or other public or private property;
3. interference with free entry to or exit from University facilities and free movement of individuals;
4. interference with the rights of other members of the University community to freedom of speech and assembly, and/or other rights; and
5. damage to University property, which shall cause the participants to be responsible for reimbursing the University for the cost of the cleaning, repair or replacement of such property.

C. Demonstrations are limited to appropriate public areas as described within this Policy. To the extent that a public area exists within a University building, any demonstration within that area shall take place only during the building's normal operating hours.

V. Other University Policies; Application; Enforcement

The provisions of this Policy are intended to support, not supplant, existing University policies and regulations.

They apply to all members of the University community, including students, faculty and staff, as well as to guests and visitors.

This Policy should be implemented as consistently as possible, recognizing that special circumstances may, on rare occasions, require limited and judicious deviation from its provisions.

APPENDIX E – CAMPUS CENTER BUILDING REGULATIONS

1. Alcoholic beverages are allowed in the Campus Center only in accordance with current campus policy described in this Handbook and are available in the Counseling & Health Services Office.
2. No gambling is allowed in the Campus Center.
3. Decorations to be used in any part of the Campus Center must be approved in advance by the Director's Office and/or building supervisor and must comply with the fire laws. They shall be put up and removed promptly by the responsible organizations or individuals who shall be liable for any damages involved.
4. Selling, sampling or advertising shall conform to University regulations. All requests for this type of activity must be approved by the Director.
5. Notices and posters placed in the Campus Center shall be limited to designated bulletin boards and approved in advance by a staff member. All notices and posters must conform to current regulations on the use of bulletin boards as described in the University's Bulletin Board Regulations.
6. Campus Center equipment shall be loaned for outside use, only when specifically authorized by the Director or as determined by the Campus Center Policy Committee.
7. The serving and consumption of food and beverages shall be allowed on the ground floor and in the meeting rooms, and in all other areas where permission has been granted by the Director.
8. The following order of priority shall be observed in the scheduling of events in the Campus Center:
 - o A. Program Council, Campus Center programs, Student organizations
 - o B. Faculty and alumni organizations
 - o C. University functions
 - o D. Outside organizations
9. All requests for use of the Campus Center for radio or television broadcasting shall require approval by the Director or Campus Center Policy Committee with the advice and counsel of the Instructional Media Department.
10. Misconduct in the Campus Center shall be reported through official disciplinary channels whenever the Director deems such a report advisable. The Director is authorized to eject and bar any student from the Campus Center for misconduct pending any disciplinary action.
11. The Campus Center is authorized to bill any student or organization for any damages to the building or equipment.
12. Custodial charges shall be made for meeting rooms for student or faculty groups as determined by the Director in view of special needs.
13. The Campus Center shall remain open each week as follows: Weekdays 8:30 am – 10:00 pm. The building shall be open all days when the University is in session. Building hours shall be extended where events indicate.
14. No University classes except physical education classes, as they relate directly to the recreational area of the Campus Center, may be held in this building.
15. The Recreation Area is for the exclusive use of the University community and guests.
16. Studying is permitted in the Center but does not take priority from activities or from the use of rooms designated for specific purposes.
17. All groups must make specific requests in writing 24 hours prior to their expected use, if the building hours are to be extended.
18. Scheduling of rooms: All groups wishing to schedule rooms in the Campus Center shall register the request on the scheduling form available in the Director's Office. Registrations, including major campus programs, shall be subject to clearance of the event according to current policies established by the Policy Committee.
19. Food Service:

- A. All requests involving food in the Center shall be formally registered with the Campus Center Director's Office subject to confirmation with the Food Service Manager. Appropriate forms are available.
 - B. Designated rooms in the Center may be scheduled for banquets, luncheons, dinners by all members of the community. A 48-hour notice must be given. Final commitment of numbers to be served shall be binding on all parties 24 hours in advance of the function.
 - C. The contracting for catered food service by other than the current concessionaire must be cleared with the Food Service Manager.
20. These regulations may be amended or repealed by a 2/3 vote of the membership of the Campus Center Policy Committee.