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Student Code of Conduct & Student Discipline System

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Student Code of Conduct [\(Back to top\)](#)

The following conduct shall constitute violations of the Student Code of Conduct:

1. Academic Dishonesty

1.01

Acts of academic dishonesty including, but not limited to, cheating, fabrication, plagiarism and the facilitating of academic dishonesty by aiding and abetting of any of the aforementioned.

2. Personal Conduct
 - 2.01 Obstruction or disruption of teaching, administration, disciplinary system or other college activities or unauthorized activities.
 - 2.02 Conduct, regardless of where it occurs, that is in violation of federal, state and/or local law or college policies that brings into question ones' suitability as a member of the college community.
 - 2.03 Theft, damage, wrongful utilization of goods or services, possession of stolen property, including dishware from college food service.
 - 2.04 Harassment by personal vilification, including such harassment on the basis of gender, race, color, disability, religion, age, sexual orientation or national or ethnic origin. For these purposes, speech or other expression constitutes harassment by personal vilification if it: is intended to insult or stigmatize an individual or a small number of individuals on the basis of their gender, race, color, disability, religion, age, sexual orientation, national or ethnic origin, or other personal characteristic; and it is addressed directly to the individual or individuals whom it insults or stigmatizes; and it makes use of insulting or "fighting words" or non-verbal symbols. In the context of discriminatory harassment by personal vilification, insulting or "fighting words" or non-verbal symbols are those which by their very utterance tend to incite to an immediate breach of the peace, and which are commonly understood to convey direct and visceral hatred or contempt for human beings on the basis of their gender, race, color, disability, religion, age, sexual orientation, national or ethnic origin, or other personal characteristic.
 - 2.05 Discrimination on the basis of race, religion, color, age, sexual orientation, sex, disability, veteran status, marital status or national origin.
 - 2.06 Gambling is not permitted.
 - 2.07 Unauthorized solicitation.
 - 2.08 Unauthorized posting and/or distribution of flyers, bulletins or posters.
 - 2.09 Failure to abide by the college raffle policy.

2.10 Failure to abide by the Good Neighbor Policy.

3. Physical Safety and Environmental Health

3.01

Physical assault, harassment of another person or threats of injury or harm to oneself or another person or any action which may subject oneself or another person to physical or mental injury.

3.02

Sexual assault, as defined in the Student Handbook Campus Policies section, page 58, sexual harassment of another person, as defined in the Student Handbook Campus Policies section, page 59, or threats of a sexual nature of injury or harm to another person.

3.02A

Use of alcohol or any other drug to render another person mentally or physically incapacitated as a precursor to or part of a sexual assault, as defined in the Student Handbook Campus Policies section, page 150, is prohibited.

3.03 Possession or use of weapons, including explosives, fireworks or other dangerous items or substances.

3.04

Creating a fire hazard, bomb or a dangerous situation which endangers others including false reports of fire or bombs, failing to evacuate, as well as tampering with, damaging or removing fire safety equipment.

3.05 Failure to abide by the college hazing policy.

3.06 Trespassing or unauthorized entry on college property where posted or restricted.

3.07 Animals are not permitted on-campus or in campus buildings.

3.08 Failure to abide by College or state policy governing smoking in public buildings.

3.09 Failure to abide by established campus motor vehicle regulations.

3.10 Rollerblading is not permitted on campus or in campus buildings.

3.11 Playing sports where restricted.

3.12 Possession of prohibited items in the residence halls as outlined in the Residence Hall Agreement/Contract.

3.13

Failure to maintain community health and living standards as outlined in the Residence Hall Agreement/Contract.

Student Discipline System [Back to top](#)

Fitchburg State College expects its students to act in a mature and responsible manner. Respect for the rights of others, openness to new and challenging ideas, civility and courtesy are examples of this expectation. Student Discipline Systems have been established to address alleged violations of the Student Code of Conduct. The goal of the Student Discipline Systems is to support the educational mission of the college by insuring that an atmosphere of acceptance, curiosity and integrity is maintained on the campus.

There are three separate and distinct discipline systems governing student conduct at FSC:

1. All-College Discipline System
2. Campus Living Discipline System
3. Greek Life Discipline System

All-College Discipline System

Preface

1. Fitchburg State College recognizes that students, as members of society and citizens of the United States of America, are entitled to respect, consideration and guaranteed freedoms of speech, assembly and association under the constitution. Fitchburg State College further recognizes students' rights within the institution to freedom of inquiry and the responsible use of college services and facilities.
2. Students at Fitchburg State College have a responsibility to act in a manner that promotes the well being, respect, safety and security of all members of the college community.
3. It is the responsibility of students to know and understand individual department policies as well as campus policies published in the Student Handbook. These policies include, but are not limited to, policies stated in the Residence Hall Agreement/Contract, Academic Dishonesty Policy, Computer Policy, Discrimination Policy, Sexual Harassment Policy, Smoking Policy, Parking Policy, Hazing Policy, Alcohol Policy and Substance Abuse Policy.
4. The Student Code of Conduct is applicable to any student enrolled in or accepted for an academic program, regardless of credits carried or any individual residing in campus housing at Fitchburg State College. The Student Code of Conduct also applies to any recognized student organization.
5. The Student Code of Conduct applies to student conduct, which occurs at Fitchburg State College or any of its grounds or at any college-related activity regardless of location. In addition, the Student Code of Conduct applies when student conduct, wherever it occurs, calls into question a student's suitability as a member of the Fitchburg State College Community.
6. Students who allegedly violate the Student Code of Conduct or other college regulations become subject to disciplinary action through the Student Discipline Systems.

7. Students may be accountable to both civil authorities and to Fitchburg State College for conduct, which constitutes violations of local, state and federal law and of the Student Code of Conduct or other college policies. On-campus disciplinary procedures at Fitchburg State College may be carried out prior to, simultaneously with or following civil or criminal proceedings off-campus at the discretion of the Dean of Student and Academic Life, or designee, for undergraduate students and others or the Dean of Graduate Studies, or designee, for graduate students. On-campus disciplinary proceedings will not be subject to challenge on the ground that civil or criminal charges involving the same incident have been dismissed or reduced. When a student has been charged with a civil or criminal violation(s) of law, Fitchburg State College will neither request nor agree to special consideration for the student solely because of his or her status as a student.
8. The Student Code of Conduct and Student Discipline Systems are published in the Student Handbook in order to give students general notice of prohibited conduct. The Student Code of Conduct should be read broadly and is not designed to define misconduct in exhaustive terms.
9. The Student Code of Conduct and Student Discipline Systems are not to be regarded as contracts between students and Fitchburg State College. Fitchburg State College reserves the right to amend any provision of the Student Code of Conduct and Student Discipline Systems at any time. Fitchburg State College will publish amendments in relevant campus publications.
10. Any conduct which may have been influenced by a student's mental state (irrespective of the ultimate evaluation), or the use of alcohol or other drugs shall not in any way limit the responsibility of the student for the consequences of his or her actions.
11. Academic dishonesty violations will be referred to the Academic Dishonesty Committee for undergraduate students. For graduate students, alleged violations will be referred to the Graduate Academic and Conduct Board.
12. A "disciplinary hold" may be placed on a student's academic record when a student does not comply with a disciplinary sanction or withdraws from the college prior to a disciplinary hearing. Students with a disciplinary hold may not be permitted to register, request transcripts, receive a diploma, add or drop courses, register for college housing, or participate in other college activities.
13. A class day is defined as a day when classes are in session. A business day is defined as a day when Fitchburg State College administrative offices are open.

Disciplinary Procedures

1. Incident Report

Any member of the Fitchburg State College Community may submit a written incident report documenting a currently enrolled student within 30 class days of discovery of the alleged

violation. In cases involving allegations of sexual assault, as defined in the Student Handbook, any member of the FSC Community may submit a written complaint at any point during the time the accused student is enrolled or matriculated at FSC. Timely reports are encouraged. All incident reports will be referred to the Director of Judicial Affairs, or designee, for undergraduate students and others or Dean of Graduate Studies, or designee, for graduate students who may take one or more of the following steps within 10 business days:

- Dismiss the incident report;
- Schedule a disciplinary conference;
- Schedule either an administrative or conduct board hearing or
- Impose interim restrictions when there are sufficient facts to show that the student's continued presence on the campus endangers the physical safety or well being of others or him/herself or disrupts the educational process of the college.

2. Disciplinary Conferences & Hearings

- The disciplinary conference is an informal meeting chaired by the Director of Judicial Affairs, or designee, for undergraduate students and others or Dean of Graduate Studies, or designee, for graduate students. The objective of the disciplinary conference is for the charged student and the individual submitting the incident report to agree upon a mediated solution. If an agreement is reached, the case will end with no opportunity for appeal. All parties must agree to the outcome. If no agreement can be reached, the case will be referred by the Associate Vice President for Student Affairs, or designee, for undergraduate students and others or the Dean of Graduate Studies, or designee, for graduate students for an administrative or conduct board hearing or at the conclusion of the disciplinary conference, dismiss the incident report.
- Administrative and conduct board hearings are formal hearings to determine a student's responsibility for violating the student code of conduct and to determine sanctions for responsibility.
- Charges involving serious physical assault, weapons or sexual assault will be heard through an administrative hearing.
- Disciplinary conferences, administrative and conduct board hearings will be conducted as soon as possible, but no sooner than two class days nor more than seven class days after the accused student has been notified. Charged students may request one postponement of the disciplinary conference or administrative and conduct board hearings to be granted at the discretion of the Director of Judicial Affairs, or designee, for undergraduate students and others or the Dean of Graduate Studies, or designee, for graduate students.
- Notice to appear for a disciplinary conference or an administrative or conduct board hearing will be in writing and will include the specific

alleged violations of the Student Code of Conduct, the name of the person(s) submitting the incident report, a copy of the incident report, the time and place of the disciplinary conference or administrative or conduct board hearing, the names of all witnesses who will testify, the fact that failure to appear for the hearing will result in the hearing being conducted in the charged student's absence, the fact that the charged student may provide the names of witnesses who will appear on his/her behalf and the fact that the accused may request additional information about the discipline process.

- When multiple parties are involved in the same incident, the Director of Judicial Affairs, or designee, for undergraduate students and others or the Dean of Graduate Studies, or designee, for graduate students will decide whether the cases will be heard together or separately.
- Disciplinary conferences and administrative or conduct board hearings are not open to the public and are confidential in nature.
- Only evidence introduced at the administrative or conduct board hearings will be considered in determining a charged student's responsibility. General rules of evidence need not be followed.
- Administrative hearing officers and conduct board members must be impartial.
- The decision of the administrative hearing officer or conduct board will be made on the basis of whether it is more likely than not that the charged student violated the student code of conduct.
- Any person, including the charged student, who disrupts an administrative or conduct board hearing or who fails to adhere to the rulings of the hearing officer may be excluded from the administrative or conduct board hearing.
- Disciplinary conferences and administrative or conduct board hearings may be recessed at any time provided they are reconvened within five class days.

3. Administrative Hearing Officer(s)

Administrative hearings will be conducted by the Director of Judicial Affairs, or designee(s), or the Dean of Graduate Studies, or designee(s), as appointed by the Vice President for Academic Affairs for graduate students.

4. Undergraduate Student Conduct Board

- The Undergraduate Student Conduct Board will be comprised of nine members: seven students, one faculty member and one administrator. There will be three alternates: one student, one faculty member and one administrator. The Director of Judicial Affairs, or designee, will serve as chairperson of the Undergraduate Student Conduct Board with no voting power.
- Student members and the student alternate must be full-time undergraduates in good academic and disciplinary standing who have been enrolled at Fitchburg State College for at least one semester. Student members and the student alternate will be selected by the

current members of the conduct board and two members of the Student Government Association Council and recommended for appointment by the Student Government Association Council.

- The faculty member and faculty member alternate will be appointed by the President of the College upon a recommendation from the President of the local Fitchburg State College Chapter of the Massachusetts Teachers Association.
- The administrator and administrator alternate will be appointed by the President of the College.
- The term of office for each conduct board member will be one academic year.
- A quorum of five conduct board members is required to hold a conduct board hearing.
- All decisions by the conduct board will be arrived at by a simple majority vote.
- Any conduct board member may be removed from the conduct board by a vote 3/4 of the total membership of the conduct board.

5. Graduate Academic and Conduct Board

- The Graduate Academic and Conduct Board will be comprised of five members: three students, one faculty member and one administrator. There will be three alternates: one student, one faculty member and one administrator. The Dean of Graduate Studies, or designee, will serve as chairperson of the Graduate Academic and Conduct Board with no voting power.
- Student members and the student alternate must be matriculated graduate students in good academic and disciplinary standing who have been enrolled at Fitchburg State College for at least one semester. Student members and the student alternate will be selected by the Graduate Council based upon recommendations from the Graduate Program Chairs.
- The faculty member and faculty member alternate will be appointed by the President of the College upon a recommendation from the President of the local Fitchburg State College Chapter of the Massachusetts Teachers Association.
- The administrator and administrator alternate will be appointed by the President of the College.
- The term of office for each conduct board member will be one academic year.
- A quorum of three conduct board members is required to hold a conduct board hearing.
- All decisions by the conduct board will be arrived at by a simple majority vote.
- Any conduct board member may be removed from the conduct board by a vote 3/4 of the total membership of the conduct board.

6. Rights of All Parties

- a. Charged students will be entitled to:**

- Written notice of charges, the name of the person(s) submitting the incident report, a copy of the incident report, the time and place of the disciplinary conference or administrative or conduct board hearing, the names of all witnesses who will testify, the fact that failure to appear for the hearing will result in the hearing being conducted in the charged student's absence, the fact that the charged student may provide the names of witnesses who will appear on his/her behalf and the fact that the accused may request additional information about the judicial process and consideration on appeal;
- Opportunity to present his/her case, question the person submitting the incident report and witnesses, present witnesses on their behalf;
- Not answer any questions or make any statements during an administrative or conduct board hearing. Such silence will not be used against the charged student, however, the outcome of the disciplinary hearing will be based upon the testimony (or lack thereof) presented during the hearing;
- Be advised by an advocate who is a full-time faculty or professional staff member of Fitchburg State College. Advocates are not permitted to address the administrative hearing officer or conduct board and may not participate directly in any disciplinary hearing;
- Be advised by an attorney where there are criminal charges that have arisen or may reasonably be expected to arise. Attorneys are not permitted to address the administrative hearing officer or conduct board and may not participate directly in any disciplinary hearing. In such cases, the administrative hearing officer or conduct board will also be permitted legal counsel;
- Be informed in writing within three (3) class days of the decision.

b. Persons submitting an incident report will be entitled to:

- Notice of the time and place of the disciplinary conference or administrative or conduct board hearing and the opportunity to testify;
- Be advised by an advocate who is a full-time faculty or professional staff member of Fitchburg State College. Advocates are not permitted to address the administrative hearing officer or conduct board and may not participate directly in any disciplinary hearing;
- Opportunity to appeal the decision based on a procedural error;
- Notice of the decision consistent with applicable law.

c. Alleged victims will be entitled to:

- Notice of the time and place of the disciplinary conference or administrative or conduct board hearing and the opportunity to testify;
- Submit a victim impact statement to explain the emotional, physical, financial, educational and/or other impact(s) the incident has had on the alleged victim's life. This statement may be read into the disciplinary hearing record;
- Be advised by an advocate who is a full-time faculty or professional staff member of Fitchburg State College. Advocates are not permitted to address the administrative hearing officer or conduct board and may not participate directly in any disciplinary hearing;
- Notice of the decision consistent with applicable law;
- In cases involving sexual assault, the alleged victim will be entitled the same rights as the charged student and to testify and respond to questions in a closed tape session.
- Opportunity to appeal the decision based on a procedural error.

7. Sanctions

- In determining a sanction, the responsible student's present demeanor and past disciplinary history, nature of the offense, the severity of any damage, injury or harm resulting and other factors may be considered.
- Any one or more of the following sanctions may be imposed by the administrative hearing officer or conduct board.
 - Warning. Verbal or written notice that the behavior has been inappropriate. May be considered part of disciplinary record in future disciplinary action.
 - Fine. A fine imposed for alcohol and/or other drug violations, which will be used toward alcohol and/or other drug education and alternative programming.
 - Restitution. Financial compensation for damages or offenses. May not exceed three (3) times the value.
 - College/Educational Service. Assignment of an appropriate project or attendance at an educational workshop that will benefit the college community, responsible student or others.
 - Referral. A student may be referred to the Counseling, Substance Awareness, Health Services or other appropriate offices or local agencies when deemed appropriate by the Associate Vice President for Student Affairs, or designee, for undergraduate students and others or the Dean of Graduate Studies for graduate students.
 - Restriction. Denial of access to any campus facility, activity, class or program, or denial of student privileges.
 - Disciplinary Probation. A period of time during which a student's behavior is subject to close examination.

- **Strict Disciplinary Probation.** A period of time during which a student's behavior is subject to close examination. Undergraduate students are prohibited during this time from serving on ACC or its subcommittees, holding elected or appointed office in SGA or campus organizations or participating in intercollegiate sports. Graduate students are prohibited from serving on the Graduate Council and its subcommittees and/or Graduate Program Curriculum Committees.
- **Relocation of Residence.** Required assignment to another residence area.
- **Deferred Loss of Residence.** A delayed removal from college operated residence halls for a period of up to two semesters. Any proven offense during this period will result in immediate loss of residence.
- **Loss of Residence.** Removal from the residence halls.
- **Deferred Suspension.** A delayed removal from class/the college for a period up to two semesters. Any proven violation during this period will result in immediate suspension for a specific period of time.
- **Suspension.** Removal from class/the college for a specified period of time ranging up to a maximum of two years. Suspended students must remove themselves from the campus totally. Students suspended from the College may not attend evening classes during their suspensions. The expiration of the suspension period is no guarantee of readmittance.
- **Deferred Loss of Recognition.** A delayed removal of recognition as a recognized student organization. Any proven violation during this period will result in immediate loss of recognition for a specified period of time.
- **Loss of Recognition.** During this time, a recognized student organization may not associate itself with the College by using the College name, facilities, and/or other rights and privileges of recognized student organizations. The expiration of the loss of recognition period is no guarantee of re-recognition.
- **Dismissal.** Permanent removal from the College.
- **Other sanctions.** Other sanctions may be imposed instead of or in addition to those specified above.

8. Appeals

- Students may appeal the results of an administrative hearing to the conduct board.
- Students may appeal the results of a conduct board hearing to the appropriate appeals board.
- Students receiving sanctions of suspension or dismissal may appeal the results of an administrative or conduct board hearing

to the President of the College, or designee. Students wishing to appeal the sanctions of Suspension or Dismissal must contact the President's Office within five (5) class days of receiving notice of the results of the hearing to schedule an appointment for an appeal. The President, or designee, will review the record from the hearing and shall afford the student taking the appeal an opportunity to be heard by him/her personally. The President, or designee, may determine there are no grounds for the appeal, thus upholding the decision or determine that the sanction is excessive or inadequate and alter it accordingly, or return it to the prior level for further appropriate proceedings. The President's, or designee's, decision will be final.

- The Undergraduate Student Appeals Board will consist of one student, one faculty member and the Vice President for Student Affairs, or designee. The student member must be a full-time undergraduate in good academic and disciplinary standing who has been enrolled at the College for at least one semester and selected by the current members of the conduct board and two members of the Student Government Association Council and recommended for appointment by the Student Government Association Council. The faculty member will be appointed by the President of the College upon a recommendation from the President of the local Fitchburg State College Chapter of the Massachusetts Teachers Association. The term of office for each member of the Undergraduate Student Appeals Board will be one academic year.
- The Graduate Student Appeals Board will consist of one student, one faculty member and the Vice President for Academic Affairs, or designee. The student member must be a matriculated graduate student in good academic and disciplinary standing who has been enrolled at Fitchburg State College for at least one semester and selected by the Graduate Council based upon recommendations from the Graduate Program Chairs. The faculty member will be appointed by the President of the College upon a recommendation from the President of the local Fitchburg State College Chapter of the Massachusetts Teachers Association. The term of office for each member of the Graduate Student Appeals Board will be one academic year.
- Appeals will be considered based on the following criteria: a. procedural error; b. finding is not supported by the evidence; c. the sanction is excessive or inappropriate.
- Students wishing to appeal a decision must do so in writing within five (5) class days of receiving notice of the results of the hearing. All requests are to be submitted to the Associate Vice President for Student Affairs, or designee, for undergraduate students and others or the Dean of Graduate Studies, or designee, for graduate students.
- Upon receipt of the appeal letter the Associate Vice President for Student Affairs, or designee, for undergraduate students and others or the Dean of Graduate Studies, or designee, for graduate

students will refer the request to either the appropriate conduct board or appeals board.

- The conduct board or appeals board may determine there are no grounds for the appeal thus upholding the decision or determine that the sanction is excessive or inadequate and alter it accordingly or return it to the prior level for further appropriate proceedings or conduct a formal hearing and render a decision that upholds the decision, modifies the decision or dismisses the case.
- Formal appeal hearings will be conducted following the same system as set forth for disciplinary hearings.
- Appellate decisions are final.

9. Interim Restrictions

- The Associate Vice President for Student Affairs, or designee, for undergraduate students and others or Dean of Graduate Studies, or designee, for graduate students may impose upon a student pending disciplinary action immediate restrictions without prior notice whenever there are sufficient facts to show that the charged student's continued presence on the campus endangers the physical safety or well being of others or him/herself or disrupts the educational process of the college.
- Interim restrictions may include, but are not limited to suspension from class/college and/or campus housing, assignment to alternate housing, limitation of access to designated housing facilities and/or campus facilities by time and location, restriction of communication with named individuals within the college community and/or the requirement to secure advance authorization to engage in a specified activity.
- The student shall have the opportunity to meet with the Associate Vice President for Student Affairs, or designee, for undergraduate students and others or the Dean of Graduate Studies, or designee, for graduate students to present his or her own version of the facts and to indicate why interim restrictions should not be imposed. Following this meeting, the decision of the Associate Vice President for Student Affairs, or designee, for undergraduate students and others or Dean of Graduate Studies, or designee, for graduate students will be final.
- Violations of interim restrictions may result in suspension or dismissal from Fitchburg State College.

10. Hearings when Classes Are Not In Session

In the absence of a functioning conduct or appeals board, during exams, when classes are not in session or during the summer, or in the case of off-campus academic programs, disciplinary hearings will be the responsibility of the Associate Vice President for Student Affairs, or

designee, for undergraduate students and others or the Dean of Graduate Studies, or designee, for graduate students. Appeals will be heard by the Vice President for Student Affairs, or designee, for undergraduate students and others or the Vice President for Academic Affairs, or designee, for graduate students. Appeals involving sanctions of suspension or dismissal will be heard by the President of the College, or designee. Rather than class days, notice, etc., will be given in terms of business days.

Records

Disciplinary records are educational records and are maintained in the offices of the Associate Vice President for Student Affairs for undergraduate students and others or Dean of Graduate Studies for graduate students for one year after the student graduates. Disciplinary records are not considered to be part of a student's permanent record maintained by the College. In cases of suspension or dismissal, a copy of the disciplinary letter is sent to the Registrar. All records and access to them are governed by federal and state laws.

Information for Students Involved in the Student Discipline System ([Back to top](#))

Who's on the Student Conduct Board?

The following members of the FSC student body have been selected to serve on the Student Conduct Board for the 2005-2006 academic year pending SGA approval.

Conduct Board Members:

Brian Aguiar
Dana Deboer
Dana Guy
Jessica McCarthy
Nate Orcutt
Tessa White-Diemand

Faculty Representatives:

Dorothy Boisvert, Biology/Chemistry
Beth Walsh, Behavioral Science
Faculty representatives are appointed by the Faculty Union to serve on the Conduct Board and the Appeals Board.

Administrative Representatives:

Clair Degutis, Information Technology
Tara Manzello, Admissions
Alvin Riley, Access
Tom Rousseau, Tutor & Placement Center
Shanni Smith, Admissions

Hearing Officers:

Shawn McGuirk, Director of Judicial Affairs
Lori Fitzgerald, Graduate Judicial Affairs Intern

WHAT ARE MY RIGHTS? DO I HAVE ANY?

Charged students will be entitled to:

1. Written notice of charges
2. The name of the person(s) completing the incident report
3. A copy of the incident report, the time and place of the disciplinary conference or administrative or conduct board hearing
4. The names of all witnesses who will testify, the fact that failure to appear for the hearing will result in the hearing being conducted in the charged student's absence
5. The fact that the charged student may provide the names of witnesses who will appear on his/her behalf the fact that the charged student may request additional information about the judicial process and consideration on appeal
6. Opportunity to present his/her case
7. Question the person completing the incident report and witnesses
8. Present witnesses on their behalf
9. Not answer any questions or make any statements during an administrative or conduct board hearing. Such silence will not be used against the charged student, however, the outcome of the disciplinary hearing will be based upon the testimony (or lack thereof) presented during the hearing
10. Be advised by an advocate who is a full-time faculty or professional staff member of FSC
11. Be advised by an attorney where there are criminal charges that have arisen or may reasonably be expected to arise
12. Be informed in writing within three (3) class days of the decision

Persons completing an incident report will be entitled to:

13. Notice of the time and place of the disciplinary conference or administrative or conduct board hearing
14. Opportunity to testify
15. Be advised by an advocate who is a full-time faculty or professional staff member of FSC
16. Opportunity to appeal the decision based on a procedural error
17. Notice of the decision consistent with law.

Alleged victims will be entitled to:

18. Notice of the time and place of the disciplinary conference or administrative or conduct board hearing and the opportunity to testify
19. Submit a victim impact statement to explain the emotional, physical, financial, educational and/or other impact(s) the incident has had on the alleged victim's life. This statement may be read into the disciplinary hearing record
20. Be advised by an advocate who is a full-time faculty or professional staff member of FSC
21. Notice of the decision consistent with applicable law. In cases involving sexual assault, the alleged victim will be entitled the same rights as the charged student and to testify and respond to questions in a closed tape session.
22. Opportunity to appeal the decision based on a procedural error.

WHAT'S THE DIFFERENCE BETWEEN DISCIPLINARY CONFERENCES, ADMINISTRATIVE HEARINGS AND CONDUCT BOARD HEARINGS?

Disciplinary Conference: an informal meeting, the objective of which is for the charged student and the individual submitting the incident report to agree upon a mediated solution. If an agreement is reached, the case will end with no opportunity for appeal. All parties must agree to the outcome. If no agreement can be reached, the case will be referred for an administrative or conduct board hearing or at the conclusion of the disciplinary conference, dismiss the incident report.

Administrative Hearing: comprised of the accused student, documenter, alleged victim and witnesses. The case is heard by an administrative hearing officer (usually the Associate Vice President for Student Affairs).

Conduct Board Hearing: comprised of the accused student, documenter, alleged victim and witnesses. The case is heard by a board of students, faculty and staff.

WHAT HAPPENS AT A HEARING?

Hearings are not open to the public and are tape recorded.

Introductions:

Reading of the Charges.

The hearing officer will read the charges and the incident report to the accused student and asks the accused student if he/she understands the charges.

Opening Statement.

The accused student may make an initial statement.

Testimony.

The hearing officer will invite the documenter, alleged victim and witnesses into the hearing individually to testify about the incident. In cases of sexual assault, the alleged victim will have the opportunity to testify and be questioned in a closed taped session. The hearing officer will invite the accused student's witnesses and character witness into the hearing individually to testify.

Questioning.

The hearing officer or Conduct Board members may ask questions and follow-up questions of those testifying. The accused student may ask questions of those testifying. The accused student may not make statements to those testifying - he or she may only ask questions. After testifying, individuals may be asked to wait until the hearing has been adjourned in case the hearing officer or conduct board have follow-up questions.

Closing Statement.

The accused student may make a closing statement.

Conclusion.

The accused student is informed that the hearing officer or conduct board members will deliberate the case. The accused student will be informed how he/she will be notified of the outcome. The accused student will be informed of the appeal procedures. The accused student is dismissed from the hearing.

Deliberation.

The hearing officer or conduct board members deliberate the case based solely on the evidence presented at the hearing and decides if the accused student is responsible or not for violating the code of conduct. If the accused student is found responsible, his/her past disciplinary history may be considered in determining the sanctions.

Sanctions.

Sanctions take effect when the student receives notification of the sanction. The sanction must be completed in the allotted time or further disciplinary action may be taken. For more information about the Student Discipline System, contact the Student Affairs Office in the Sanders Administration Building, or call us at (978) 665-3131.

Student Discipline System Advocates Provide Support to Students

Advocates are full-time faculty and professional staff members who provide support to accused students, documenters, alleged victims or witnesses. Advocates are willing to meet with students depending on their commitments at the time they are contacted.

Sue Lauder
Athletics
665-3313

Professor Benjamin Lieberman
Social Sciences

665-3090

Commonly Asked Questions About the Student Discipline System [\(Back to top\)](#)

Can I postpone a hearing if I have to work or have a class or exam? Yes - for a valid reason. The accused student must submit the response form requesting the postponement by the due date.

Does my discipline record go on my transcript? No. However, if a student is suspended from FSC, a notation is made on the transcript indicating that the student was "administratively withdrawn."

Is my involvement in a disciplinary hearing confidential? Your involvement is covered by the Buckley Amendment. This means that no information will be released to anyone without your permission with the exceptions noted in the Student Handbook. We do not usually call your parents or share records with professors. You should be aware that some government jobs require a "discipline clearance" and some colleges require this information on applications for admission.

I was arrested by the Fitchburg Police for my involvement in an incident. How can I also be addressed by the Student Discipline System? Isn't that double jeopardy? No. The Student Discipline System is not a court of law and is not connected with the Massachusetts Court System. The Student Discipline System addresses violations of FSC policy. The court system addresses violations of federal, state and local laws. The violations may be similar, but the systems are separate.

How can I be disciplined for my conduct off-campus? The Student Discipline System outlines the College's expectation that students act as positive representatives of FSC. When a student acts in such a way either on-campus or off-campus that calls into question whether the student is a suitable member of the college community, then the Student Discipline System can address that student.

was an innocent bystander - now I'm being called as a witness. What if I don't want to testify? The Student Discipline System outlines the belief that all members of the College must contribute to a system of respect for others, responsibility and cooperation. As such, the Student Discipline System requires you to testify at a disciplinary hearing. If you do not, disciplinary action may be taken against you. If you are afraid to testify because of retaliation from the accused student, you should inform the Associate Vice President for Student Affairs & Dean of Students immediately and steps will be taken to address your concerns.

As an accused student, can I have my own witnesses testify as to what they

know about the incident? Yes. Accused students must submit a response form by the due date to the Student Affairs Office indicating the names of their witnesses. It is the accused students' responsibility to inform their witnesses of the date, time and location of the hearing.

What happens if I don't complete my sanction? Further disciplinary action may be taken against you. If you are found responsible for not completing your sanction on time, you will be given an additional sanction to complete. In addition, a "disciplinary hold" will be placed on your record and you will not be able to register for courses, add/drop courses or receive transcripts.

What if I don't like the determination or sanction I received as a result of a disciplinary hearing? Can I appeal? Accused students may appeal if they believe there was a procedural error, if the finding is not supported by the evidence or if the sanction is excessive or inappropriate. Documenters or victims may appeal the determination or sanction if they believe there was a procedural error. Witnesses may not appeal the determination of a disciplinary hearing.

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01420-2697 - 978.345.2151

Maintained by: Student & Academic Life
Contact: sbucholc@fsc.edu