

Salem State University
Community Standards Office
*Student Conduct Code**
(Fall 2019)

*Pending approval from university governance committees

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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 SSU. 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 SSU'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, the *Equal Opportunity, Diversity and Affirmative Action Plan*, *Firearms and Other Weapons Policy* (as set forth by University Police), *Residence Life License Agreement* and the *Guide to Living on Campus* (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 <https://records.salemstate.edu/>.

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, and any persons participating in a university sponsored program or service at SSU, and/or 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 SSU.
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. SSU 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 SSU 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, and any persons participating in a university sponsored program or service, 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 not 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 Director of Community Standards and Off-Campus Outreach 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 does not have any pending conduct incidents, does not have an outstanding sanction to be completed, and who is not on active university probation, suspension, or expulsion. Students on active disciplinary probation are still considered to be in good conduct standing at the University as long as they have completed all educational sanctions and do not have any pending conduct incidents. (For more information on Conduct Standing, see *Section 8. Sanctions*.)

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, studying abroad, 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*. Failure to complete these requirements by the due date may result in a Dean's Office Hold being placed on the account. While students have incomplete sanctions, they will not be considered in good conduct standing.

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 (SSU)

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. EMERGENCY INTERIM PROCEDURES

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 Director of Community Standards and Off-Campus Outreach, Associate Dean of Students, or designee.

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.

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 or written 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 6. 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. Additionally, students are responsible for adhering to these expectations while on-campus, off-campus, and internationally. The Associate Dean of Student, Director of Community Standards and Off-Campus Outreach and Off-Campus Outreach, 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. Excerpts, and not the full policy, have been included in this *Student Conduct Code*. 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. Students may go to <https://records.salemstate.edu> to view the full university policies referenced below.

Personal Conduct

1. Disorderly Conduct

- Action(s) that jeopardizes the safety or well-being of any member of the University community or persons coming onto University property, or off campus wherever it occurs.
- Statements intended to defame character
- Physical abuse or any act of violence
- Verbal or written harassment of another person
- Making statements (verbal or written) that threatens or endangers the health or safety of any person including one's self
- 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)
- Forcible detention of anyone on University property
- The University expects all students to comply with all federal, state, and local laws, regulations, and ordinances
- Any form of retaliation against any person who files a claim, complaint, or charge or who assisted or participated in an investigation or resolution of such claim, complaint, or charge

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 and has the purpose or effect of creating an objectively intimidating, hostile or offensive work or educational environment, has the purpose or effect of unreasonably interfering with an individual's work or educational opportunities; or otherwise unreasonably adversely affects an individual's employment or educational opportunities. 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.

3. Disruptive Behavior

- Exhibiting any behavior that is disruptive to any community (i.e., on-campus, off-campus, online) and/or that adversely affects its members. Such behavior includes, but is not limited to, inappropriate verbal tone, volume or content which may be threatening and/or intimidating to other members.
- Receiving any citations or noise violations issued by law enforcement, and/or being arrested as a result of the disruptive behavior.
- Hosting a disruptive gathering. This occurs when residents of a room, apartment, or dwelling, whether on-campus or off-campus, allowed or created an environment for violations of university policy. This includes, but is not limited to, noise disturbances, excessive attendance beyond what is safe and/or reasonable, fights, or violations of city, state, or federal law.

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.
- Theft or attempted theft
- Unauthorized use of another's or University funds or property
- Unauthorized possession of another's or University funds or property
- Unauthorized use of the University name and/or address and/or logo
- Using another's Clipper Card/access card to gain access to a restricted area
- Filing a false report against another person
- Knowingly providing false information to any properly identified member of the University administration, security force, staff or faculty engaged in performance of official duties

5. Failure to Comply

- Violations of the conditions of any sanctions imposed by a hearing body or hearing board
- Failure to comply with a reasonable order of any properly identified member of the University administration, security force, staff or faculty engaged in performance of official duties
- 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
- Failure to comply with university posted signage such as exiting and/or entering through an emergency door at times when it is not an emergency

6. 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.

Campus Community Safety

7. Fire Safety – Students are expected to behave in ways that support fire safety and avoid creating hazards to themselves or others. Actions that are contrary to these expectations include but is not limited to:

- Failure to comply with evacuation procedures
- Tampering with fire protection apparatus (e.g., covering the smoke detector, spraying the fire extinguisher when there is no fire present, etc.)
- Making or attempting to make false fire alarms
- Unauthorized use of electrical equipment
- Setting fires and/or attempting to set fires
- Interference with firefighters, police officers, or other persons engaged in performance of their official duties

8. Vandalism which includes:

- Any destruction, impairment, abuse, and/or misuse of another's property or of University property

9. Unauthorized access which includes:

- Unauthorized entry into and/or presence in any University building or facility
- Unauthorized possession or use of University keys or other University property

University Policy

10. Violation of University policies on solicitation or sale of material on campus which includes

- Running a private business on campus
- Utilizing University assets for personal gain

11. Violation of the University's firearms and other weapons policy set forth by University Police which includes:

- Carrying firearms, any imitation firearms, facsimile firearms, carrying/possessing any ammunition on campus regardless of the presence of a firearm, and/or carrying/possessing electronic defense weapons (e.g., tasers, etc.) on campus. Under Massachusetts General Law Chapter 269 Section 10, possessing a firearm on school grounds is prohibited. This offense is criminally punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both.
- Possessing, using bombs or other explosive devices
- Carrying or storing knives or other edged weapons on campus, except a pocket knife with a single edge blade measuring less than 2½ inches. No person shall carry on their person or under their control in a vehicle or within a campus building any stiletto, dagger or a device or case which enables a knife with a locking blade to be drawn at a locked position, any ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism, dirk knife, any knife having a double edged blade, or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade over 1½ inches, or sling shot, blowgun, blackjack, metallic knuckles or knuckles of any substance which could be put to same use of with the same or similar effect as metallic knuckles, nunchaku, zoo bow, also known

as klackers or kung fu sticks, or any similar weapon consisting of two sticks of wood, plastic or metal connected at one end of a length of rope, chain, wire or leather, a shuriken or any similar pointed star-like object intended to injure a person when thrown, or any armband, made with leather which has metallic spikes, points or studs or any similar device made from any other substance or a cestus or similar material weighted with metal or other substances and worn on the hand, or a manrikigusari or similar length of chain having weighted ends.

- Carrying chemical sprays of any kind **except** for pepper spray canisters in the standard form personal use size (2.5 oz. or less). Pepper spray canisters must not be in the form of a firearm or anything resembling a firearm. Only oleoresin capsicum form pepper spray is allowable in aerosol form (no gels allowed). Anyone wishing to carry pepper spray on campus must register it, in person, with the university police prior to carrying it on their person or storing it on campus.

12. Violation of University hazing policy which includes:

- Participating in the crime of hazing. Under Massachusetts General Law Chapter 269 Section 17, being a principal organizer or participant in the crime of hazing shall be punished by a fine of not more than \$3,000 or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.
- Engaging in 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. Consent shall not be available as a defense to any prosecution under this action.
- Failing to report hazing when one has knowledge that another person is the victim of hazing and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to themselves or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Under Massachusetts General Law Chapter 269 Section 18, whoever fails to report such crime shall be punished by fine of not more than \$1,000.

13. Violation of alcohol and drugs policy which includes:

- Possessing or consuming alcoholic beverages on-campus or off-campus by those under 21 years of age and/or being in the presence of alcohol in a substance free area regardless of age. Examples of substance free areas include, but are not limited to, lounges, stairwells, or hallways of any residential facility, rooms in which people under 21 years of age are present.
- Displaying alcohol advertisements and/or signage in any campus building or property controlled by the University (including in the residence halls) or paraphernalia regardless of age. Paraphernalia includes, but is not limited to, kegs, beer balls, beer machines, home brewing equipment, punchbowls, drinking funnels, ice luges, and other items that encourage binge

drinking. Students who sponsor, organize, facilitate, participate in, and /or are present during, or allow the use of their rooms for such activities will be subject to disciplinary action.

- The distribution or sale of, or intent to sell, alcoholic beverages to anyone under 21 years of age. This includes distribution of alcoholic beverages on University property without proper approval regardless of the age of individuals.
- Using a fake ID or making false statements regarding your age in order to purchase or in any way to procure alcoholic beverages
- Possessing any opened bottle or can containing an alcoholic beverage or consuming alcoholic beverages in public (e.g., sidewalks, streets, parks, parking lots, open green spaces, horseshoe at Bates, etc.)
- Manufacturing of alcoholic beverages on campus
- Overconsuming and/or abusing alcohol/drugs resulting in being transported to the hospital or being placed in protective custody regardless of the student's age
- Possessing, using, manufacturing, distributing, transferring, consuming, selling (or intending to sell), brokering or facilitating the distribution of any controlled substances (including marijuana)
- Possession, use, sale, distribution, or manufacture of drug paraphernalia. Drug paraphernalia is defined as any equipment, product, material and/or ingredients that is/are used or modified for making, using, or concealing illegal drugs, including, but not limited to, pipes, smoking masks/screens, bongs, hookahs, vape pens or roach clips. Certain scales, grinders, vials, and baggies may also be considered 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 SSU residence hall or on any other SSU 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 SSU may release students from their Residence Hall License Agreement if approved.

Good Samaritan Policy: Students experiencing an alcohol and/or drug-related medical emergency may receive amnesty through the SSU student conduct system when students or their friends or other persons (not University staff) are concerned about them and proactively seek medical assistance from University Police or Residence Life (or from local police if off-campus). This amnesty is offered at the discretion of the Community Standards office and may be extended to students who seek help from University Police or Residence Life (or from local police if off-campus) for another student provided they remain with the student experiencing the medical emergency until medical assistance arrives. 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 granted amnesty under this policy will be required to complete educational or other sanctions. SSU reserves the right to inform parents/guardians/emergency contacts when students receive amnesty.

Students whose pattern of behavior suggests the ongoing use of alcohol and/or drugs may not be granted amnesty. 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.

14. Violation of University tobacco-free policy which includes:

- Using any tobacco product (including, but not limited to, e-cigarettes and hookahs) and/or selling tobacco products on campus. On-campus includes all buildings, grounds, parking lots, work areas, offices, restrooms, lobbies, public entrances, any vehicle parked on campus, etc.

15. Violation of the campus event policy which includes:

- Failing to submit publicity materials for approval to the appropriate office. Publicity materials are defined as non-commercial, written materials including, but not limited to, signs, posters, pamphlets, handbills, circulars, newspapers, and magazines. Publicity materials will only be reviewed to ensure the materials are factually accurate and provide full disclosure of any related terms, conditions, warrants and intentions. Plans to use banners, lawn signs, stands, tables, or booths or to install tents or other temporary structures must also be included in the approval request.
- Hosting an unapproved event on campus, failing to seek approval for an event within the timelines outlined in the policy, and/or participating in disruptive or illegal activities on campus.
- Forcing passersby to take written materials; promoting the excessive use of alcohol or the illegal use of alcohol by underage persons; promoting the use of illegal drugs; and/or promoting engagement in any other illegal activities
- Not using the correct forum (i.e., traditional public forum, designated public forum, non-public forum). All persons shall comply with the directions of university officials lawfully acting in the performance of their duties. Failure to identify oneself to or comply with the directions of a university official or other public official acting in the performance of their duties while on university property may lead to cancellation of the event. University officials shall not invoke this provision to stifle expression because of its content.
- Blocking or otherwise interfering with reasonable ingress or egress into and out of buildings, to include obstructing entrances, exits, corridors and other thoroughfares; blocking or otherwise interfering with the free flow of pedestrian, vehicular, or bicycle traffic (the right of way on streets and sidewalks must be maintained); engaging in physically assaultive conduct towards any other person, including making threats, touching, or striking attendees or passersby

- Burning of objects of any type or having open flames; engaging in lewd and/or obscene conduct; causing malicious or unwarranted damage or destruction of property owned or operated by the university or personal property belonging to students, faculty, staff, or guests of the university
- Not complying with applicable state and federal laws and university policies, rules, and regulations to include, but not limited to, laws prohibiting discrimination on the grounds of race, color, creed, religion, national origin, gender, age, disability, sexual orientation, gender identity, genetic information, marital status, or veteran status

16. Violation of Residence Life License Agreement and other policies as outlined in the *Guide to Living on Campus* which includes:

- Storing empty alcohol containers (decorative or otherwise) or not disposing alcohol containers properly in the designated recycling or trash areas.
- Possessing or using alcohol in 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.
- Hosting or participating in large parties within the residential areas. The maximum number of people allowed in a room or apartment at any time is two guests per resident of the room who is present (i.e., in a six (6) person apartment, there can be no more than 18 people present if all residents of that room are in the apartment at the time of the gathering).
- Violating the guest policy. This includes allowing your guest to violate the *Student Conduct Code*, allowing a guest to stay more than 4 overnights in a month or more than 2 consecutive overnights on two occasions. Students are responsible for the actions of the guests they sign in. Therefore, students should never sign someone they do not know into a building.
- Failing to discard trash appropriately. Cardboard, newspaper, hangers, glass, boxes, and large items should be taken to the dumpster. Excessive trash left in hallways, lounges or stairwells will result in charges to those on your floor or in your entryway. All rooms/apartments are provided with recycling bins to utilize in collecting recyclable materials and should be emptied into the larger bins located on each floor or in each entryway.
- Having prohibited items in the residence halls. The following are not permitted in any of the residential areas: air conditioners; electrical extension cords; halogen lamps; lanterns and sun lamps; hot plates; heating coils; electric space heaters; hot pots without automatic on/off switches; “Medusa lamps” (with multiple plastic shades); televisions larger than 40”; watercoolers; deep fryers; popcorn poppers, sandwich makers, toaster ovens and toasters, waffle irons and griddles outside of the kitchen areas of Atlantic Hall and Bates Complex; coffee makers and irons without automatic shut-off switches; microwaves and refrigerators that do not comply with the specifications detailed in the *Guide to Living on Campus*, candles and incense, including those of decorative nature and those that have not been burned; live Christmas trees, menorahs with candles, Kwanzaa candles, and similar decorations; flammable decorations placed near light fixtures or in enclosed areas; bicycles in hallways, lounges or blocking the doorways of rooms, apartments and stairwells; tapestries and similar hangings covering a door or significant portion

of the wall or any lights and lamps, or hung from the ceiling; gasoline, lighter fluid, flammable cleaning fluid, turpentine, and paint solvents; motorcycles, mopeds and automotive equipment in hallways or rooms; desks, chairs, dressers, closets, or beds that block any part of doorways, or one's ability to move; bookshelves; concrete blocks and bricks; inflatable chairs and bean bag chairs; trunks; waterbeds.

- Altering University-provided furniture (such as removing closet doors or bed frame legs), stacking furniture, placing a mattress directly on the floor, moving furniture off the floor, or blocking entrances is strictly prohibited. In addition, lounge furniture may not be removed from the lounges or common areas, as these items are intended for everyone's use. The following items are also prohibited from rooms and apartments: bookshelves, concrete blocks and bricks, futons and couches, inflatable and bean bag chairs, trunk, and waterbeds.
- Propping stairwells and exit doors open and/or allowing individuals to enter a residence hall and/or bypassing the front desk to be signed in
- Failing to abide by prescribed quiet hours which are Sunday through Thursday from 9 pm to 9 am and Friday through Saturday from 12 am to 10 am. During final exam periods, quiet hours are in effect 24-hours a day. Courtesy hours are in effect 24-hours a day and residents are expected to comply with other student or staff requests to lower noise levels when requested at any point during the day. Residents should use good judgment, and be considerate of neighbors, including the people living above and below them.
- Failing to obtain proper documentation and/or approval for a service animal or assistance animal. Service animals are working animals, not pets. Approved assistance animals are permitted only in a resident's room and are **not permitted** in other campus locations such as classrooms, libraries, or dining halls. Assistance animals must be approved by disability services as a reasonable accommodation in university housing.
- Bringing and/or keeping a pet for ordinary use and companionship. A pet is not considered a service animal or an assistance animal. Students are not permitted to bring pets on university property or keep pets in university housing, except for fish in a 10-gallon tank.
- Failing to clean up after, care for, or maintain control of an approved service or assistance animal. SSU is not responsible for the care or supervision of any service or assistance animal. The student who owns the animal must always carry equipment sufficient to clean up the animal's feces whenever the student and the animal are outside the student's room. The student should never allow the animal to defecate on any property, public or private, unless the student immediately removes the waste. The student is also responsible for the proper disposal of the animal's feces and for any damage caused by the waste or its removal.
- Allowing someone other than the animal's owner to care for the animal overnight in university housing. Approved animals must be taken with the student if they leave campus overnight or for a prolonged period.

17. Violation of University motor vehicle regulations as set forth by University Police which includes:

- Operating, charging, or storing a recreational motorized vehicle (including but not limited to motorcycles, mopeds, hoverboards, self-balancing scooter boards, two-wheeled scooters, segways, carts, etc.) inside any campus building including residence halls.

18. Violation of the University’s acceptable use policy set forth by information technology services which includes:

- Using University computer facilities in a manner that would constitute harassment, invasion of privacy, threat, defamation, intimidation, obscenity, unwarranted annoyance or embarrassment, or discrimination based on race, sex, national origin, disability, age, religion, or sexual orientation
- Using another’s User ID without their authorization; cracking passwords, obtaining confidential information through unauthorized means; impersonating another, real or not, individual, machine or organization
- Installing privileged network monitoring tools such as packet sniffers by anyone other than authorized personnel; accessing or transmitting information that belong to another user or for which no authorization has been granted; attempting to make unauthorized changes to information stored on the University’s computer systems
- Using University computer resources for unauthorized advertising; unauthorized copying of information stored on the University’s computer systems; knowingly using unlicensed or improperly licensed software on University computer facilities
- Tapping home or network lines in violation of any federal or state law; taking any action that jeopardizes the availability or integrity of any University computing, communication, or information resources; using IT resources in a manner that interferes with the work of other students, faculty, or staff or the normal operation of the University computing systems; attempting to bypass the University IT security system; violating federal, state, or local laws, including copyright infringement; using University-owned IT resources for unauthorized commercial purposes

19. Violation of the sexual violence policy as set forth by the *Equal Opportunity, Diversity and Affirmative Action Plan*. The process of investigation and resolution of such incidents involving solely students follows a co-investigatory model that is overseen by the Deputy Title IX Coordinator. For information regarding the investigation and resolution procedures for violations of the sexual violence policy, refer to page 56 of the *Equal Opportunity, Diversity and Affirmative Action Plan*. This *Plan* can be found at <https://records.salemstate.edu>. Violations of the sexual violence policy includes:

- Engaging in **sexual assault** or 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 the 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 (i.e., vagina, anus, or mouth) by an object or a body part, and/or non-consensual oral sex or anal sex.

- Engaging in 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.
- Engaging in acts of abusive or coercive behavior (e.g., physical, sexual, financial, verbal, and/or emotional) as a means to gain or exercise control over another. This includes 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. 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.
- Engaging in acts of abusive or coercive behavior (e.g., physical, sexual, financial, verbal, and/or emotional) as a means to gain or exercise control over another. This includes 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), persons with whom a child is shared, or cohabitant (possibly a roommate).
- **Retaliating** against another person for making, or for assisting in making, for resisting or openly opposing such conduct, a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, and/or stalking.
- Engaging in **stalking**, which is defined as 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.
- Engaging in **sexual harassment** of another. Sexual harassment is the unwelcome conduct of a sexual nature. This may occur 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. In order for conduct to constitute sexual harassment, a reasonable person under similar circumstances would have to conclude that the behavior was harassing or discriminatory.
- Engaging in **gender-based harassment** of another. Gender-based harassment is 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. This may occur 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.

- Engaging in **sexual exploitation**. Sexual exploitation is taking sexual advantage of another person for one's own benefit or the benefit of anyone other than that person without that person's consent. This includes, but is not limited to, prostituting another person; recording images (e.g., video, photography) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent; distributing through social media, texting, email or other media images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and viewing another person's sexual activity, intimate body parts, nakedness in a place where that person would have a reasonable expectation of privacy, without a person's consent.

The following is a list of on-campus and off-campus resources that may assist you and a short description of what they do or can do to support you.

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.

Title IX Coordinator: Rita Colucci (interim)

Office Location: North Campus, Administration Annex

Telephone: 978.542.8600

Email: rcolucci@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.

Deputy Title IX Coordinator: Marlin Nabors

Office Location: Meier Hall room 245

Telephone: 978.542.6401

Email: mnabors@salemstate.edu

*The Deputy 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 for cases involving students.

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

PEAR **Confidential** Advocate (talk/text): 978.594.7089

Email: PEAR@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 **confidential** PEAR hotline goes to a **confidential** advocate who can provide support, information, referrals, and follow-up for SSU students.

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

SECTION 7. STUDENT CONDUCT DUE PROCESS PROCEDURES

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 Director of Community Standards and Off-Campus Outreach and Off-Campus Outreach, 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 Director of Community Standards and Off-Campus Outreach and Off-Campus Outreach, 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 Director of Community Standards and Off-Campus Outreach and Off-Campus Outreach, 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 Director of Community Standards and Off-Campus Outreach and Off-Campus Outreach, the Associate Dean of Students, designee, or the conduct board. Additionally, there may be some instances in which a student is involved in multiple incidents. In this case, the hearing officer may elect to resolve multiple incidents for an individual in one hearing.

Cases may be referred to the conduct board when the complexity of the case or allegation is significant. The Director of Community Standards and Off-Campus Outreach and Off-Campus Outreach, 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 Director of Community Standards and Off-Campus Outreach and Off-Campus Outreach, 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 Associate Dean of Students, Director of Community Standards and Off-Campus Outreach, or designee deem it is necessary. Residents may also

be temporarily relocated pending a hearing. (See *Section 5. Emergency Interim Procedures* 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. Since the hearing focuses on what happened with the purpose of determining whether policy violations have occurred, character statements, character witnesses, and letters of support that do not pertain to the incident in question cannot be considered. Students should only share information that pertain to 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 Director of Community Standards and Off-Campus Outreach, 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 Director of Community Standards and Off-Campus Outreach, 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 Director of Community Standards and Off-Campus Outreach, 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 Director of Community Standards and Off-Campus Outreach, 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. Appeal Process*).
16. If the student fails to attend the hearing, the hearing will occur in their absence and the student will forfeit the right to appeal the decision from the hearing officer.

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 8. SANCTIONS

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. **Students who do not complete the educational sanctions by the deadline may receive a hold on their account. Holds on the account may prevent the student from (but not limited to) registering for classes, participating in extracurricular activities, studying abroad, graduating, and/or signing up for housing.**

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, Campus Recreation, LEAD, and Residence Life 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 *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. The *Equal Opportunity, Diversity and Affirmative Action Plan* was then updated and approved on September 28, 2018 by the Massachusetts Board of Higher Education. This policy may be found at <https://records.salemstate.edu/>

Disciplinary Standing

1. Disciplinary 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 repeated violations of University regulations will result in more severe disciplinary action, including but not limited to a disciplinary standing minimum of Disciplinary Probation.

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. Repeated violations of the *Student Conduct Code* may result in either further extension of Disciplinary Probation with restrictions or University Probation, Suspension/Expulsion from the University. Such restrictions will be imposed as a preventative measure to avoid future violations to the *Student Conduct Code*. These can include, but are not limited to, restrictions on guest privileges, serving on executive boards (i.e., student leadership), staying in housing during break, participating in co-curricular travel, and visiting residence halls. As long as all other sanctions have been completed and the student does not have any pending conduct incidents, students on disciplinary probation are still considered to be in good conduct standing at the University.
3. 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. Repeated violations of the *Student Conduct Code* may result in either further extension of University Probation with restrictions or Suspension/Expulsion from the University. Such restrictions will be imposed as a preventative measure to avoid future violations of the *Student Conduct Code*. These can include, but are not limited to, restrictions on guest privileges, serving on executive boards (i.e., student leadership), staying in housing during break, participating in co-curricular travel, visiting residence halls, participating in student organizations or athletic competitions as a student athlete, and studying abroad. Students on university probation are not considered to be in good conduct standing at the University.
4. 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. Failure to obtain this permission may result in arrest by University Police. 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 from the University. This action may be deferred to become effective after a certain date.
5. 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 and must leave the campus on the date determined by the hearing officer. The student will be restricted from visiting the University in the future, which may include a criminal trespass warning, meaning the student will be subject to arrest if the student sets foot on campus.

Corrective and Educational Sanctions

As mentioned, 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. Such sanctions are crafted with the individual student in mind and determined by considering the nature of the misconduct, student's

conduct history, and mitigating or aggravating factors. Below is a short list of some examples of corrective and educational sanctions; it is *not* an exhaustive list. Students must actively participate in sanctions that call for them to be with others in shared space (e.g., Alcohol or Marijuana group check-ins, Individual check-ins for Alcohol and Other Drugs, Engagement Hours, etc.). Lack of participation may prevent a student from successfully completing the sanction.

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. 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. 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. Failure to show or cancel an appointment at least 48 hours prior to your scheduled appointment may result in a fine. Additionally, failure to show or cancel at least 48 hours prior to your scheduled appointment twice may result in your inability to complete the sanction. You will then have to contact Community Standards for an alternative assignment.
3. Individual Plan – individualized plans are customized to each student to assist in their overall development. These individual plans include, but are not limited to, engagement, career, behavioral, etc.
4. Marijuana 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 marijuana consumption/usage. Discussions led by a Counseling and Health Services staff member will include facts and tips to minimize the negative effects of marijuana and ways to stay safe. Each group will have up to 25 students. All meetings are confidential and only the student’s participation and completion of a sanction will be reported back to the Community Standards office.
5. 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.
6. 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.

Often students ask what the university sanctions are for violating the Alcohol and Drugs Policy. In compliance with the Drug Free Schools and Communities Acts Amendments of 1989, the Community Standards office publishes the following procedural guidelines to the alcohol violations. The sanctions for drug violations may be more severe based on type of substance involved.

<i>First violation may include:</i>	Disciplinary Warning 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 university probation to suspension/expulsion from the residence halls or the university
Notes: <i>Depending on the situation, a sanction can be more or less severe. In addition, sanctions are determined by considering the nature of the misconduct, student's conduct history, and mitigating or aggravating factors.</i> <i>Student found in violation of the alcohol and 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>	

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. APPEAL PROCESS

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. Additionally, only 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. If a student fails to attend a hearing, that student forfeits their right to appeal the decision rendered by the hearing officer or conduct board.

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. Character statements, character witnesses, and letters of support that do not pertain to the incident in question cannot be considered. 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. 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 11. 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.

SECTION 12. LIST OF RESOURCES

Student Life Office – this office provides leadership to the student life division, consults with students, faculty and staff, and also coordinates response to students of concern.

Location: Meier Hall room 245 (north campus)

Phone: 978.542.6401

Email: studentlife@salemstate.edu

Office Hours: Monday thru Friday, 8:30 am to 5 pm

Academic Advising

Location: Berry Library and Learning Commons, first floor (north campus)

Phone: 978.542.7049

Career Services – this office guides you from your first day on campus through your entire professional life, from career exploration to resume building, from finding an internship to sharpening your interviewing skills.

Location: Ellison Campus Center room 105 (north campus)

Phone: 978.542.6406

Office Hours: Monday thru Friday, 8:30 am to 5 pm

Center for Academic Excellence

Location: Berry Library and Learning Commons, first floor (north campus)

Phone: 978.542.6215

Center for Civic Engagement – this office is responsible for developing and supporting programs that connect our students, faculty, staff, and alumni to the greater community.

Location: Meier Hall Room 316 (north campus)

Phone: 978.542.2873

Community Standards – this office provides information on the behavioral expectations of SSU students regardless of whether they are on-campus or off-campus.

Location: Atlantic Hall 131D (central campus)

Phone: 978.542.3097

Counseling and Health Services – this office provides mental health counseling and makes referrals for off-campus providers. It also provides the following services:

- Routine health visits and lab testing
- Treats minor illnesses and injuries
- Gynecological exams
- Sexual health, birth control, emergency contraception, STD testing, PEP, and PREP
- Immunizations and vaccines (including flu shot)

Location: Ellison Campus Center room 107 (north campus)

Phone: 978.542.6413

Office Hours: Monday thru Friday, 8 am to 5 pm

Disability Services – this office coordinates services for students with disabilities, provides campus accessibility tools and support, and facilitates classroom and educational accommodations.

Location: Berry Library and Learning Commons room 20 (north campus)

Phone: 978.542.6217

Video Phone: 978.910.0167

TTY: 978.542.7146

Office Hours: Monday thru Friday, 8:30 am to 5 pm

First Year Experience – this office ensures you have access to the resources and support you will need to successfully navigate the transition from high school to university life.

Location: North Campus Dining room 101A (north campus)

Phone: 978.542.2618

Email: firstyear@salemstate.edu

Gassett Fitness and Recreation Center – this area oversees campus recreation and provides access to the fitness center, group exercise classes, personal training, swimming pool and lessons, intramural clubs and sports, special events, and equipment check out.

Location: O’Keefe Sports Complex

Phone: 978.542.4442

LEAD (Leadership, Engagement, Advocacy, and Diversity) Office – this office oversees all student organizations including the student government association, program council, and Greek life on campus. Its focus is to place social justice education and identity development exploration at the center of their leadership and engagement programs.

Location: Ellison Campus Center room 218E (north campus)

Phone: 978.542.2681

Office Hours: Monday thru Friday, 8:30 am to 5 pm

Math Lab

Location: Sullivan Building (north campus)

PEAR (Prevention, Education, Advocacy, and Response) Program – this office serves all SSU students who have experienced dating and/or sexual violence and/or stalking with access to a PEAR advocate who can support survivors, provide information, and connect students to resources. All services are free of cost to all students, trauma-informed, survivor-centered, and culturally inclusive.

Location: Ellison Campus Center room 112 (north campus)

Phone: 978.542.2987

Office Hours: Monday thru Friday, 8:30 am to 5 pm

Confidential Advocate (talk/text): 978.594.7089

Residence Life – this office provides a safe, secure, and comfortable living learning environment that supports the academic mission of the university.

Location: Atlantic Hall room 131 (central campus, entrance is on the right side of the building closest to the parking lot)

Phone: 978.542.6416

Office Hours: Monday thru Friday, 8:30 am to 5 pm

STEP (Student Transition and Engagement Program) – this program is a first- and second-year mentoring and coaching program that serves up to 75 incoming first-year students at SSU. Students are paired with an academic coach and a peer mentor. There is an application process – the first 75 students who qualify are accepted.

Location: Berry Library and Learning Commons, first floor (north campus)

Phone: 978.542.2333

Student Navigation Center – this office is the place to go for any business you might have with the University (i.e., registration, financial aid, billing, student accounts, Clipper Card, etc.).

Location: Classroom building, second floor (central campus)

Phone: 978.542.8000

Office Hours: Monday thru Thursday, 8:30 am to 5 pm; Friday, 10 am to 5 pm

TRIO Student Support Services – this is a federally funded program that provides comprehensive support services to eligible part-time and full-time matriculated students. Services include academic support in reading, writing, math and science, in addition to course tutorials and testing.

Location: Berry Library and Learning Commons, lower level (north campus)

Email: mfrancois@salemstate.edu

Tutoring Services

Location: Berry Library and Learning Commons, first floor (north campus)

Phone: 978.542.6717

University Police – this is a full police department within the Commonwealth of Massachusetts. Staffed 24/7, this department provides related police services, medical emergency response, crime prevention education, parking, lost and found, traffic support, and a variety of other services to the SSU community.

Location: University Police (central campus)

Phone: 978.542.6111

Office Hours: 24 hours a days, 7 days a week

Veteran's Affairs – this office assists current and former service members of the armed forces as well as survivors and dependents with both state and federal educational benefit programs.

Location: Ellison Campus Center room 220 (north campus)

Writing Center

Location: Berry Library and Learning Commons, first floor (north campus)

Phone: 978.542.6215