Judicial Code

I. Introduction

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of the whole student, and the betterment of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. The College strives to maintain an educational community which fosters the development of students who are ethically sensitive and responsible persons. Thus, the primary goal for the administration of discipline under the Code is to develop ethically responsible students, as well as to protect the campus community. Those persons responsible for the administration of this Code shall make reasonable efforts to foster the personal and social growth of students held accountable for violations of this Code. The purpose of this document is to set forth the specific authority and responsibility of the College in maintaining social discipline, the educational process in determining student accountability for violating the regulations, and the proper procedures to be followed in this process which protects the accused student from unfair impositions of penalties and sanctions.

II. Basic Premise

The College has the power and responsibility to take proper disciplinary action against students whose behavior threatens or disrupts the mission of the College. This is the general principle governing the jurisdiction of the disciplinary authorities of the College. It means that the disciplinary powers of the College extend to behavior that disrupts the educational process and other activities that are recognized as the lawful mission of the College. It also means that it extends to behavior that violates the peace and order of the College in such a manner that members of the College cannot go about their proper business secure in their persons and property. Behaviors that violate the Student Conduct Code may also violate criminal or civil law, and as such be subject to proceedings under the legal system. The Student Judicial System in no way precludes a person who incurs damage or injury from seeking redress in the civil or criminal courts. Students are adults, and, as such, have responsibility for knowing and abiding by the policies of the College.

III. Authority and Responsibility

Daily responsibility for good conduct rests with the students as individuals. All members of the College community are expected to use reasonable judgment in their daily campus life and to show due concern for the welfare and rights of others.

The ultimate responsibility and authority to enforce the Code reside with the President of the College. The President may, and has, delegated responsibility for
the administration of the discipline system to the Dean of Student Services. The Dean of Student Services, in turn, delegates the authority to authorized and responsible staff for the operation of the Judicial System. This responsibility includes formulating and implementing appropriate policies and procedures, in concert with other appropriate College bodies, including the Student Government Association (SGA), for the judicial consideration of conduct violations and the imposition of sanctions in an efficient, consistent, fair, legal, and educationally meaningful manner. The Dean of Student Services delegates responsibility to various judicial bodies and administrators. All procedures followed, and decisions made, by authorized hearing officers and bodies are subject to Dean of Student Services and Presidential review and final authority. The College reserves the right to take any necessary and appropriate action to protect the safety and well being of the campus community.

The Student Judicial System was established in accordance with the concept of “due process”. Due process, as used herein, shall mean generally that the student will be given a fair opportunity to be heard before a decision is rendered and that a student will know, in advance, what kind of conduct is unacceptable, thereby leading to a possible disciplinary situation. All hearings are closed to the College community unless the student being charged requests an open hearing. In addition, the Dean of Student Services, or designee, may refer a case to an Ad Hoc Committee Hearing, when the nature of the case warrants consideration for psychological, sexual, and/or other sensitive issues. This closed hearing is available to ensure the fullest measure of confidentiality. Any student involved in such a case may request that the Dean of Student Services, or designee, refer the case for an Ad Hoc Committee Hearing.

IV. Definitions

- The term “College” means Framingham State College.
- The term “student” means any person registered, enrolled, or attending any College course or College-conducted program or any person admitted to the College.
- The term “registered student organization” means a group or association of students which has complied with the requirements prescribed by the Office of Student Involvement and Campus Events and by SGA.
- The term “College property” means all property owned, leased, or on loan to the College.
- The term “College document” means any College record, written communication, or form.
- The term “member of the College community” means any student, professional staff member, College official, or employee of the College.
- The term “College premises or College-related premises” means all lands, buildings, and facilities owned, leased, supervised, or controlled by the College.
- The term “College-sponsored activities” is defined as any activity, on or off the College premises, which is initiated, aided, authorized, or supervised by the College, including any registered student organization.
- The term “appropriate staff” means member of the Student Services Staff.
V. General Student Conduct Code Regulations

This section establishes the rules and regulations all students of Framingham State College are expected to follow. They are made in any exercise of the powers that are an inherent corollary of the College’s duty to protect its educational purposes by setting and distributing standards of student conduct and scholarship, and by regulating the use of College facilities.

Students have a right to expect enforcement of these rules and regulations. The College also has the right to expect students to abide by these regulations in a manner that benefits the responsibilities given to students as members of the College community. Knowledge of these rules and regulations can prove most beneficial to students in utilizing and protecting their rights. It is important to add, however, that unfamiliarity with institutional regulations or rules is not grounds for excusing infractions. Students have an individual obligation to ensure that the Conduct Code is followed by taking an active role in reporting and discussing violations with the appropriate staff, administrator, or committee when they believe an offense has occurred.

The following statements constitute the official record of General Student Conduct Code Regulations at Framingham State College. Students are expected to abide by these regulations and administrators are required to enforce them. Additional rules and regulations may be promulgated during the year; announcements will be made upon adoption of the changes or additions.

A student who is found responsible for any of the following acts, while on College premises or College-related premises or in connection with off-campus College-sponsored activities, shall be subject to the maximum sanction of Expulsion or any lesser sanction authorized by this Code.

1. Disruption of classes, seminars, research projects, administration, or activities of the College willfully or through careless disregard of the academic and educational rights of others.
2. Actual or threatened physical assault or injury to persons.
3. Actual or threatened sexual assault/harassment. This includes, but is not limited to: unwanted sexual touching, making unwelcome sexual advances, or requests for sexual favors.
4. Conduct causing alarm or recklessly creating a risk by: threatening to commit crimes against persons or their property, or the face-to-face use of “fighting words” by students to harass any person on College property or other property to which the Student Conduct Code applies is prohibited. “Fighting words” are those personally abusive epithets which, when directly addressed to any ordinary person, in the context used and as a matter of common knowledge, are inherently likely to provoke an immediate violent reaction, whether or not they actually do so. Such words include, but are not limited to; those terms widely recognized to be derogatory references to race, ethnicity, religion, sex, sexual orientation, disability, and other personal characteristics.
5. Abuse/Harassment. Abuse - Physical intimidation and/or assault, or conduct which
threatens or endangers the health, safety, or well being of any person or group. Abuse includes, but is not limited to: hitting, kicking, slapping, punching, pushing, and/or spitting on another person or persons. Intimidation, invasion of privacy, or any threat to the well-being of a person or group which is communicated verbally, in writing, or through contact by telephone, computer, a third party, or by any other means of communication. Harassment or intimidation of persons involved in a campus disciplinary hearing, and of persons in authority who are in the process of discharging their responsibilities.

6. Individual or group behavior which unnecessarily disturbs individuals or groups. Such conduct includes, but is not limited to: unwelcome physical contact, hazing, and boisterous or threatening conduct which is unreasonable for the area, time, or manner in which it occurs.

7. Violation of the Drug Policy to include possession with the intent to sell or sale of controlled or illegal substances or illegal possession of non–prescribed controlled drugs, or illegal substances. (See pg. 80)

8. Behavior or activities that endanger the safety of oneself or others. This includes, but is not limited to: arson, tampering, damaging or misusing fire equipment, and disorderly conduct.

9. False reporting of an emergency. The false report of a bomb, fire, or other emergency in any building, structure, or facility by means of activating a fire alarm, or in any other manner.

10. Possession and/or use of firearms, fireworks, explosives, dangerous weapons, or hazardous chemicals, such as highly flammable or lethal substances. While some objects are clearly dangerous, what is used dangerously may also be considered a dangerous weapon.

11. Damage to property: damage, destruction, defacement of College property, property of any person as a result of a deliberate action, or reckless or imprudent behavior.

12. Theft of property, or possession of stolen College property, or property of any person.

13. Violation of any of the restrictions, conditions, or terms of any sanctions resulting from a previously held disciplinary hearing.

14. Misappropriation or misuse of student organization funds or property. This includes, but is not limited: to overextension of the budget of a registered student organization, spending receipts prior to proper deposit, and personal use of equipment.

15. Computer abuse. This includes, but is not limited to: plagiarism or copyright violations of programs, music, movies, misuse of computer accounts, unauthorized destruction of files, creating illegal accounts, sale, distribution, or use of unauthorized passwords, and disruptive or annoying behavior on the computer.


17. Violation of the Hazing Policy. Hazing is defined as “any conduct . . . whether on public or private property which willfully or recklessly endangers the physical or mental health of any student or other person.” (See pg. 92)

18. Any violation of federal or state law that also interferes with the aims, purposes, activities, and responsibilities of the College.

19. Making false statements in the application for admission, petitions, requests,
disciplinary hearing, or other matters of record, and transactions with officials or representatives of the College.
20. Misuse of College documents. Forging, transferring, altering, or otherwise misusing any student fee card, identification card, course registration material, schedule card, other College identification or any other document or record.
21. Unauthorized use of the name or insignia of the College by individuals or groups.
22. Unauthorized presence in, or attempted forcible entry into, a College facility or College-related premises, or refusing to vacate such buildings or rooms upon request.
23. Misuse of telephone. No student shall make or assist in making unauthorized or harassing telephone calls, or otherwise misuse or abuse telephone equipment.
24. Violation of the Alcohol Policy. (See pgs. 72-79)
25. Violation of disciplinary probation.
26. Violation of the Residence Hall Occupancy Agreement and Guide to Residence Living, where the violation in question is not otherwise proscribed in this Article V.
27. Violation of the Solicitation Policy. (See pg. 97)
28. Violation of the Guidelines and Policies found in the RAM Handbook or official College publications, where the violation in question is not otherwise proscribed in this Article V.
29. Failure to honestly identify oneself when requested by person(s) in authority, who are in the process of discharging their responsibilities.
30. Unauthorized use or possession of keys or access cards. No one may use or possess any College key without proper authorization. No student is allowed under any condition to have a College key duplicated.
31. Students who have witnessed a violation of the Code of Conduct, or have reason to believe that an offense has been committed, have an obligation to report or discuss such violations with the appropriate staff or administrator. Students are not obligated to testify against themselves.

VI. Definition of Disciplinary Sanction
A. Immediate Actions
   The following sanctions may result if circumstances described under each sanction warrant such action.
   1. Case Dismissed - an action which closes a case for any of the following reasons:
      a. A finding of not responsible.
      b. The Dean of Student Services or designee withdraws the charges.
   2. Interim Suspension - the temporary suspension of a student pending a disciplinary hearing, when, in the opinion of the Dean of Student Services or designee, the continued presence of the student constitutes a danger to himself or herself, to others, to College property, or to orderly functions of the College. Where such sanction is imposed, a hearing will be provided as soon as practical.
B. Hearing Actions
   The disciplinary sanctions listed below may be imposed singly and/or in combination upon any student found in violation of the regulations that are set out
in Article V. The purpose of imposing regulations are twofold: 1) to protect the College community from behaviors that are detrimental to the educational process of the community; and, 2) to assist students in identifying acceptable parameters of their activities and consequences of future behaviors. The severity of the sanctions imposed is intended to correspond with the severity or frequency of violation, as well as the student’s willingness to recommit himself or herself to good citizenship through behaviors that fall within the conduct regulations of the Code. Failure to complete any required sanction by the date set by the hearing body will result in the imposition of more severe sanctions. Files are not released outside the College without written consent of the student except as stated in the Family Educational Rights and Privacy Act of 1974 (see pg. 83). Students' disciplinary files will be handled according to the specific timelines outlined below for each sanction type.

1. Expulsion

Expulsion is permanent disciplinary separation from the College involving denial of all student privileges. Expulsion shall be effective on the date of notice of Expulsion, or later if so stated in the notice. A student separated from the College by Expulsion may not enter College premises, College-related premises, or the campus without securing prior approval from the Dean of Student Services or designee. The record of Expulsion shall be on file through the Office of the Dean of Student Services. The student’s disciplinary file will be maintained as a permanent part of the student’s educational record.

2. Suspension from College

Suspension is a temporary disciplinary separation from the College involving denial of all student privileges. Suspension shall be effective on the date of notice of the suspension, or later if so stated in the notice; and shall prescribe the date and conditions upon which the student may petition for readmission. If as a result of a disciplinary hearing a student is suspended, no course work will be permitted in Continuing Education or day school at Framingham State College. Upon readmission to the College, the suspended student will be on Disciplinary Probation for the semester immediately following this return. Conditions for readmission may include, but are not limited to: Disciplinary Probation for a specified length of time; nonresidence on campus; restricted visitation to specified College facilities; and a written statement from an accredited mental health professional or medical doctor verifying the capability of the student to function successfully at the College. Students separated from the College by Suspension may not enter the College premises, College related premises, or be on campus without securing approval from the Dean of Student Services or designee. The record of the student’s suspension and any documents pertaining to it will be on file through the Office of the Dean of Student Services. The student’s disciplinary file will be destroyed upon graduation or separation from the College for three (3) consecutive years, or seven (7) years from the date of the hearing, whichever comes first.
3. Suspension Held in Abeyance
A more severe sanction than Disciplinary Probation, given for a period of time, which indicates that the serious nature of the conduct violation would normally result in the student’s suspension from the College, but given the extenuating circumstances, this suspension is not put into effect. A student found responsible for a violation while on Suspension Held in Abeyance for the same violation will be subject to suspension from the College. Allegations that such a violation has occurred shall be promptly presented at a hearing held before the same type of authority that imposed the original sanction, and that authority shall determine whether such violation occurred and whether to impose the sanction of suspension. Whenever any violation of the conditions of the Suspension Held in Abeyance also constitutes an independent violation of these rules and regulations, it may in addition be separately adjudicated as such, and a further sanction or sanctions may be imposed in accordance with the procedures set forth in Article VII. The student’s disciplinary file will be destroyed upon graduation or separation from the College for three (3) consecutive years, or seven (7) years from the date of the hearing, whichever comes first.

4. Disciplinary Probation
A period of review and observation during which a student has been officially notified that his or her conduct, although not serious enough to warrant suspension, was very inappropriate. Subsequent violation of College rules, regulations, or policies could result in a more severe sanction. Disciplinary Probation is a status that may involve restrictions, conditions, or terms imposed for a definite period of time not to exceed four semesters. Restrictions, conditions, or terms of probation may include, but are not limited to: ineligibility to participate in College activities or events; periodic contact with a designated member of the College community; restrictions on accessibility to College facilities and/or housing areas; and change of housing assignment. Restrictions, conditions, and terms will be imposed for a specific length of time not to exceed the length of probationary period except in the case of change of housing assignment. Failure to comply with the terms and conditions of the probation, or additional behavior in violation of the Code during the probationary period, will likely result in more serious disciplinary action. Notation of probationary status will be on file through the Office of the Dean of Student Services. The student’s disciplinary file will be destroyed upon graduation or separation from the College for three (3) consecutive years, or seven (7) years from the date of the hearing, whichever comes first.

5. Residence Hall Separation
Residence Hall Separation involves removal from the College residence hall community for conduct which demonstrates unwillingness or inability to function appropriately in the residence hall living situation. Such separation may be permanent or for a specified time period. Such separa-
tion prohibits accessibility to all or designated residence halls, including lobbies. Visitation will not be permitted without securing prior approval from the hearing officer or panel. In no case will separation be less than the remainder of the semester in which it takes place. Notation of the separation will be on file through the Office of the Assistant Dean of Student Services and the Office of Residence Life. The student’s disciplinary file will be destroyed upon graduation or separation from the College for three (3) consecutive years.

6. **Restriction or Revocation of Privileges**

A temporary or permanent loss of privileges as an alternative to another sanction, or as a condition of a particular sanction resulting from a particular action found in violation of the Student Conduct Code. Such action includes, but is not limited to: use of a specific College facility; residence hall privileges; holding or running for an office in a campus organization; the representation of the College at any sporting event or intercollegiate function; and campus motor vehicle parking and operating privileges.

7. **Disciplinary Warning**

Disciplinary Warning involves written notice to the student indicating that specific behavior or activity is in violation of the Code and that repetition of similar or other unsatisfactory behavior would likely result in more serious disciplinary action. Notation of the warning will be on file through the Office of the Dean of Student Services. The student’s disciplinary file will be destroyed upon graduation or separation from the College for three (3) consecutive years, or seven (7) years from the date of the hearing, whichever comes first.

8. **Residential Review**

An action taken against a residence hall student will place his or her resident status in jeopardy. As a result of this action, the Dean of Student Services or designee will review the student’s Residence Hall Occupancy Agreement at the end of each semester in order to determine whether or not the individual should remain in residence. The agreement will also be reviewed if the student is found guilty of any infraction during the time period of this sanction. Nothing in this provision shall be deemed to prohibit the Administration of the College from terminating the Residence Hall Occupancy Agreement, whether or not a student has imposed on him or her the sanction of “Residential Review,” for reasons deemed sufficient by the Administration.

9. **Restitution**

Restitution is not a fine. It is a reimbursement for actual damage to, destruction of, or misappropriation of College property or property of any person which results from a conduct violation of this Code. The administrative hearing officer or hearing panel will investigate and determine the appropriate compensation through such actions as the payment of money, appropriate work assignment related to the offense, etc. Notation of restitution will be on file through the Office of the Dean of Student Services.
Services. The student’s disciplinary file will be destroyed upon graduation or separation from the College for three (3) consecutive years, or seven (7) years from the date of the hearing, whichever comes first.

10. Special Assignments
    A work project or special assignment imposed by a hearing officer or body, either as an alternative to another sanction or as a condition of a particular sanction. An effort will be made to select an assignment that is appropriate to the offense and does not degrade the individual or inhibit his or her academic progress or health. Special assignments may include, but are not limited to: community service; written reports; participation in co-curricular programs or counseling groups; and work in a specific campus office, building, or area. Failure to complete a special assignment by the date set by the hearing body will result in the imposition of more severe sanctions.

11. Referral to the Counseling Center and/or Social Issues and Wellness for Evaluation and Recommendation
    A recommendation from a hearing officer or hearing body to the designee of the Dean of Student Services to refer a student to the Counseling Center for psychological evaluation and recommendation in lieu of another sanction, or as a condition of a particular sanction. All evaluations shall remain confidential. The hearing officer or body may also directly refer students to seek other experiences such as an Alcohol or other Drug Education Intervention, or a Substance Abuse Assessment. Students may be directed to comply with the recommendations from a Substance Abuse Assessment and/or the Counseling Center.

12. Reprimand
    An official rebuke making misconduct a matter of record in College files and indicating that repetition of infractions of College regulations will result in more severe disciplinary actions.

VII. Administration of Discipline for Violation of College Policy

A. Initiation and Notification Process
    1. If a person or group wishes to bring charges against another individual, he or she or they must notify the Office of the Assistant Dean of Student Services, Room 508, College Center, (508) 626-4636, within five (5) working days of the alleged violation(s). If the nature of the incident jeopardizes the safety and health of individuals, then the Dean of Student Services or designee could grant a time waiver after the review of the circumstances. An investigation will be conducted to determine if formal charges will be filed. The complainant(s) must submit a charge sheet, as well as information in the form of incident reports. If the violation(s) occurred in a residence hall, the Residence Director of the building in which the violations occurred should be notified and he or she will forward the appropriate forms to the Office of the Assistant Dean of Student Services.
    2. The student shall be informed of the charges in writing. If required as a
reasonable accommodation, notices may be given in an alternate format upon request to the Dean of Student Services. It is the student’s responsibility to attend the required Hearing Conference with the assigned administrator.

3. If an accused student fails to respond to a charge letter and the required Hearing Conference after the College has made reasonable attempts to notify the student, the accused student forfeits the hearing options and a decision will be made based on the available information. When appropriate, a sanction will also be determined and the student will be notified in writing or in an alternate format upon request to the Dean of Student Services if required as a reasonable accommodation for a student with a documented disability.

B. Withdrawal of Charges

The person or group bringing the charges can withdraw the charges anytime prior to the decision of the hearing officer or hearing body, with the consent of the Dean of Student Services or designee.

C. Hearing Conference

A Hearing Conference is intended to be the first formal response to policy violation(s). Prior to the Hearing Conference the student will receive a letter outlining all charges, indicating a date, time and location of the Hearing Conference, and including a copy of the “Rights of a Student during and after the Student Discipline Hearing.” The student will indicate whether or not he/she is responsible for the alleged violation(s). At the Hearing Conference, the Assistant Dean of Student Services or designee will:

1. Provide the student with a copy of the incident reports or other formal documentation regarding the charges that have been filed. In the event that additional charges are brought regarding an incident, an additional written notice will be forwarded to the student.
2. Review all the charges with the student.
3. Answer any questions related to the Student Code of Conduct.
4. Provide information on hearing options and review the formal hearing guidelines.
5. With all hearings, the student will receive prior notice of the date, time, and location of the hearing. The Administrative or Ad Hoc Committee Hearing will be held not less than five (5) calendar days from the date of the original charge letter, unless the student waives the limit.
6. Students may chose from the hearing formats described below except as noted:

**NOTE:** When the nature of the case warrants consideration for a psychological, sexual, and/or other sensitive issues, the Dean of Student Services or designee may refer a case for an Ad Hoc Committee Hearing.

**NOTE:** Until the Judicial Board has been appointed, all cases shall be heard by Administrative hearing officers. If the Board is unable to meet, cases will also be referred to Administrative hearing officers.

a. Immediate Hearing At the students written request, the Hearing Conference may move directly to an Immediate Administrative Hearing.
The hearing would be conducted by the administrator who is conducting the Hearing Conference.

1. At the Hearing Conference, the student would waive his or her right to question witnesses.
2. The Administrative Hearing Officer may gather more information regarding the incident after the Immediate hearing, when necessary.

**b. Formal Hearing** At the students written request or upon recommendation of the Administrative Hearing Officer, a formal hearing may be scheduled to resolve the judicial charges. At all formal hearings, students have the following rights:

1. Students have the option to bring witnesses to a formal hearing.
2. Students may question witnesses directly except in the case of an alleged sexual assault
3. Students may choose between a closed hearing or one open to the College community except in the case of an Ad Hoc Committee Hearing.

**D. Types of Formal Hearings**

1. **Administrative Hearing Officer**
   
   The Administrative Hearing Officer(s) shall be a Student Services professional staff member appointed by the Dean of Student Services or designee.

2. **Ad Hoc Committee Hearing**
   
   a. A committee will be composed of three professional staff and/or faculty members appointed by the Dean of Student Services or designee.
   b. The Dean of Student Services or designee shall make every effort to appoint people to the board who are most qualified to assess charges based on the nature of the incident.
   c. For each case, the Dean of Student Services or designee shall appoint a fourth member to serve as a nonvoting chair; this person will conduct the hearing and ensure that the written records are obtained.

3. **Judicial Board**
   
   a. At the beginning of each academic term, six (6) students shall be recommended by the President of SGA, three (3) faculty members shall be recommended by the President of the FSCPA, and three (3) administrators shall be recommended by the President of the APA and the Vice Presidents of the College. The Dean of Student Services shall ensure that all students are in good academic and social standing before appointments are made. From this group, Judicial Boards will be established to conduct hearings during the academic year.
   b. Each Board shall consist of three (3) students, one (1) faculty member, and one (1) administrator. A chair shall be elected from within the Board at the onset of each meeting.
   c. Each time that the Board is required to meet, the Dean of Student Services designee will select names from the pool of appointees.
d. Each Board will have an advisor assigned by the Dean of Student Services designee as a consultant.

e. The Dean of Student Services and his/her designee will be responsible for the training before hearings may begin.

E. Hearing Guidelines

The following is a list of the guidelines for Immediate, Administrative, and Ad Hoc Committee hearings. The goal of a judicial hearing is to provide a structured process to consider alleged infractions of the Code of Student Conduct. The following provisions will be implemented for all hearings.

1. The Administrative Hearing Officer(s) and/or Ad Hoc Committee Hearing Chair shall be a Student Services professional staff member appointed by the Dean of Student Services.

2. The student shall be provided with a written copy of all charges.

3. The assigned charges are reviewed by the hearing officer/chair with the student.

4. The student has the opportunity to review all evidence.

5. Copies of all written material will be made available to the accused student.

6. The student indicates “responsible” or “not responsible” for each charge of the Code of Student Conduct.

7. The accused student and the person bringing the charges may present witnesses who have direct knowledge of the incident.

8. The student may question witnesses directly, except in cases of alleged sexual assault or in an Immediate Hearing where a student waives his/her right to question witnesses. In a case where allegations of sexual assault are involved, the accused student may submit written questions to the alleged victim of the alleged assault.

9. An advisor may assist the student at an Immediate, Administrative, or Ad Hoc hearing. The advisor may be anyone except an attorney-at-law, unless criminal proceedings are pending in the civil or criminal courts, at which time an attorney may be present only in an advisory capacity to the student. An advisor may, upon the request of the Student:
   a. Advise the student in preparation and presentation of his or her case;
   b. Accompany the student to all judicial proceedings.

F. Hearing Process

1. The Student Services designee is responsible for scheduling all cases.

2. Hearings shall be in private session unless a public hearing is requested by the accused student. Any disruption of a public hearing will result in the hearing being held in private session. Witnesses shall appear only in person to present their own testimony and be questioned.

3. The person(s) filing the charges must attend the hearing and verbally present his/her/their information unless the student waives his or her option to question witnesses in an Immediate Hearing format.

4. The accused student may appear in person, hear all testimony, and present any relevant information on his or her behalf at the hearing.
5. A hearing may be conducted even if the student elects not to attend. Absence shall be noted without prejudice and the hearing shall be conducted in the student’s absence.
6. The accused student may refuse to answer any questions or to make a statement. The hearing authority shall make its decision on the basis of available information.
7. The accused student will be found responsible according to what a reasonable person believes to have occurred based upon the available information.
8. All statements, information, or comments given during closed hearings will be confidential. No public statements shall be made before, during, or after deliberation. Only those faculty and staff with an educational need to know will be informed of the proceedings and the outcome. The educational need to know will be determined by the Dean of Student Services or designee.
9. The hearing will be controlled to avoid needless consumption of time through repetition of information and to prevent the harassment or intimidation of participants. In a Judicial Board or Ad Hoc Committee hearing, a member may request to go into private session to discuss and decide a matter. This request must be supported by a majority vote. The hearing can be recessed at any time by the chair. The chair will ensure that all procedures are appropriately followed.
10. All hearings shall be conducted in an informal manner, and technical rules of evidence will not apply. The taking of statements of witnesses may be done by discussion, though each witness shall be subject to questioning. When a witness unavoidably cannot be present at a hearing, a written affidavit is acceptable.
11. After all information has been presented and the accused has made a final statement, all deliberations and decisions will be made in private. Following a Judicial Board or Ad Hoc Committee hearing, recommendations shall be made by majority vote. A tie vote will constitute a vote of not responsible. The chair cannot vote. All recommendations are made to the President or designee. In cases where the decision is for Expulsion or Suspension from the College, the Dean of Student Services also reviews the case. If responsibility is acknowledged, or is determined and prior to the determination of the sanction, the Judicial Board, Ad Hoc Committee, or Administrative hearing officer can allow the introduction of written and/or oral statement(s) which details the impact on the victim the violation caused. Also, the accused student and/or staff member may introduce character references and/or information regarding the accused student’s past record prior to the discussion of a disciplinary sanction. A majority vote of the hearing committee is required to recommend any disciplinary sanction.
12. The Assistant Dean of Student Services or designee will make a tape recording of all hearings. The accused student shall have the option, upon
request, to listen to the tape in the presence of a staff member designated by the Dean of Student Services or designee. The tape will be destroyed no sooner than thirty (30) days after the hearing, or no later than the final stages of the appeals process to which the student is entitled.

13. The student will be notified in writing of the decision. Decisions must be picked up in College Center room 508.

14. The decision of the Administrative Hearing officer, Judicial Board, or Ad Hoc Committee shall contain a notice of the student’s option to appeal the decision and the period of time within such an appeal may be initiated.

G. Appeal Procedures

1. An appeal of the decision of any hearing officer shall be commenced by the student’s giving notice of his or her appeal to the Dean of Student Services. Such notice shall be submitted to the Office of the Dean within two (2) academic days following the student’s receipt of the decision and shall contain a statement of the ground or grounds on which the appeal is requested.

2. Only the student charged shall be entitled to appeal the decision of a hearing officer, Judicial Board, or Ad Hoc Committee.

3. An appeal may be accepted on the following grounds:
   a. On a claim of error in the hearing procedure that materially and adversely affected the option of the student.
   b. On a claim that the decision was not reasonably based on the information presented at the hearing.

NOTE: If new information has come to light, see Section G ahead.

4. The Dean of Student Services shall have the authority to dismiss an appeal that is not presented in a timely fashion or that is not requested on proper grounds. Under the conditions of Suspension or Expulsion from the College, the decision of the Dean to dismiss an appeal for either such reason may be appealed to the President within five (5) academic days following receipt by the student of the Dean’s decision. The President’s decision - either to uphold the decision of the Dean or to allow the appeal to proceed - shall be final and binding.

5. Whenever an appeal has been presented in a timely fashion and on proper grounds, the Dean shall review the record of the original hearing and shall give the student an opportunity to present arguments, either orally or in writing, in support of the appeal. The Dean may uphold, in whole or in part, the decision of the hearing officer or committee by which the disciplinary sanction was first imposed. Except in accordance with the following paragraph 6, the decision of the Dean shall be final and binding.

6. Whenever any administrative hearing officer, Judicial Board, or Ad Hoc Committee has recommended the sanction of Suspension or Expulsion, the student may, if the decision of the Dean is adverse, appeal to the President and finally to the Board of Trustees. In each such case an appeal shall be commenced by the student’s giving notice of his or her appeal to the
President within two (2) academic days following the student’s receipt of the decision from which the appeal is taken. The student may appeal the decision of the President within two (2) academic days to the Board of Trustees. The President and the Board of Trustees shall consider the appeal in the manner described in the preceding paragraph 5, provided only that when any appeal is considered by the Board of Trustees, the student is entitled to be accompanied by an attorney, who shall be entitled to be present in order to advise the student during the proceedings. The decision of the Board of Trustees in any such case shall be final and binding.

7. Whenever any appeal is presented to the Board of Trustees, it shall be considered by the full membership of the Board or by a committee or subcommittee thereof, as the Board shall determine in any particular case or from time-to-time.

8. Whenever the Dean, President, or Board of Trustees considers any appeal, each shall have the authority either:
   a. to grant the appeal in-whole or in-part and, consistent therewith, to dismiss all or some of the allegations against the student; or
   b. to uphold, in-whole or in-part, the decision of the hearing officer or committee by which the disciplinary sanction was first imposed and consistent therewith, to confirm such a sanction or impose a different sanction, which may be either greater than or lesser than the sanction first imposed.

9. During the pending of any appeal, any sanction to be imposed shall be suspended unless the Dean of Student Services or designee shall have determined in any particular case that the immediate imposition of the sanction is necessary to preserve the health and safety of persons or property of the College.

H. Petition for New Hearing

1. Any student on whom a disciplinary sanction has been imposed may, within thirty (30) days following the date of the decision of the hearing officer or committee that first imposed the sanction, petition the Dean of Student Services for a new hearing. Such a petition shall be made only on the grounds that there has come to light new information of which the student could not reasonably have known at the time of the original hearing. The student’s petition shall be in writing, shall describe with specificity the new information, and shall set forth the reasons why that information was not known to the student at the time of the original hearing. If the decision is to deny the petition, the student may request a conference with the Dean of Student Services no later than two (2) academic days after being notified of the decision.

2. Unless the Dean shall determine otherwise, neither the presentation of a petition for a new hearing nor the conduct of such a hearing shall operate to suspend any sanction either imposed.
VIII. Judicial Advisory Board

The Judicial Advisory Board shall serve as an advisory board for the Student Discipline System of Framingham State College. This responsibility particularly means advising the Dean of Student Services with regard to formulating and implementing appropriate policies and procedures in discharging responsibility for the total operation of the Student Discipline System.

Any recommendation of the Judicial Advisory Board shall be forwarded to the Dean of Student Services for approval and implementation. When appropriate, other College bodies will be notified of the Dean’s actions.

The Judicial Advisory Board shall consist of the following members: Dean of Student Services or designee (non-voting chair); the Director of Residence Life and Housing; the Director of Student Involvement and Campus Events; two (2) faculty members from the Judicial Board; and two (2) students appointed by the President of SGA. The Judicial Advisory Board will meet at least once each semester.

IX. Student Arrests

Students at Framingham State College are expected to abide by College regulations, as well as local, state, and federal laws. While College regulations are not meant to duplicate general laws, there are some ways in which the lawful interest of the College community coincides with the broader public interests of the general laws. Therefore, students who commit criminal offenses against local, state, or federal laws are subject to College disciplinary action when their conduct violates College standards on-campus, or at off-campus College-related activities. (See pages 94-95 for information on Protective Custody procedures.)
Waive Hearing

Hearing (choose one option):
Immediate, Administrative, or Ad Hoc Committee Hearing

Appeal to Dean of Student Services or Designee

For Suspension/Expulsion from the College, Appeal to the President and Board of Trustees

Please refer to the Judicial Code on page 66 for a more definitive explanation of the Hearing Process.
Alcohol Policy

I. Philosophy

Framingham State College provides opportunities for both academic and social development. Informed and considerate decision-making is an important aspect of that development. When making decisions about the use or non-use of alcoholic beverages, it is important to remember that the consumption of alcoholic beverages is a privilege, which can and will be denied.

II. Policy

A. General Policies and Procedures

1. Functions sponsored by faculty, staff, and recognized campus organizations may be attended only by the members of the Framingham State College community and their guests.
2. The sponsoring organization, individual, or office will be held responsible for ensuring compliance with state and local laws.
3. Scheduling of student functions which involve the sale and/or consumption of alcoholic beverages shall proceed through the Office of Student Involvement and Campus Events and under the authority of the Dean of Student Services, or designee.
4. Scheduling of functions by faculty and/or staff which involve the sale and/or consumption of alcoholic beverages must be approved by the appropriate area Vice President, unless the event is held in the College Center (see Section II, D).
5. Alcoholic beverages shall be prohibited from the classroom unless there is prior approval by the Vice President of Academic Affairs or designee.
6. Whenever alcoholic beverages are served, it is required that a server be approved by the Director of Student Involvement and Campus Events for the purposes of distributing all alcoholic beverages and checking proper identification to ensure that all those consuming alcoholic beverages are of legal drinking age.
7. As per the Town of Framingham Liquor Laws, alcohol may not be served in a group where individuals under the age of twenty-one are present unless they are accompanied by a parent or guardian.
8. Sufficient food and alternative nonalcoholic beverages must be made available in proportion to the total number of people in attendance.
9. All groups authorized to use Framingham State College facilities must comply with the Alcohol Policy of the College.
10. Alcoholic beverages cannot be used as gifts or prizes at any College-sponsored event or activity.
11. Under no circumstances may individual students or guests consume
alcoholic beverages or carry containers of alcoholic beverages on the campus grounds.
12. Public intoxication is prohibited. Public intoxication is defined as an intoxication which causes a disturbance or is dangerous to self, others, and/or property, or in any way requires the attention of College staff.
13. The purchasing of alcoholic beverages for students under 21 years of age is in violation of the State and College alcohol policy.

B. Guidelines for Distribution and Marketing of Alcoholic Beverages
1. Alcoholic beverage marketing programs specifically targeted for students and/or held on campus grounds should conform to the Code of Student Conduct of the College and should avoid demeaning, sexual, or discriminatory portrayal of individuals.
2. Promotion of alcoholic beverages should not encourage any form of alcohol abuse nor should it place emphasis on quantity or frequency of use. The consumption of beer, wine, or distilled spirits should not be the sole purpose of any optional activity. Principles of good hosting should be observed including the availability of alternative non-alcoholic beverages, food, and planned programs.
3. No uncontrolled sampling or other promotional activities, including “drinking contests,” will be permitted as a part of any campus marketing programs.
4. Promotional activities should not be associated with otherwise existing programs without prior knowledge and consent of the Dean of Student Services or designee.
5. Display or availability of promotional material should be determined in consultation with the Dean of Student Services, or designee.
6. Informational marketing programs should have educational value and subscribe to the philosophy of responsible decision-making and legal use of the products represented.
7. Alcoholic beverage marketers should support campus alcohol awareness programs that encourage informed and responsible decision-making.
8. If permitted, alcoholic beverage advertising on campus or in institutional media, including that which promotes events as well as product advertising, should not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual, or academic success.
9. Advertising and other promotional campus activities should not associate alcohol consumption with the performance of tasks that require skilled reactions such as the operation of a motor vehicle or machinery.

C. D. Justin McCarthy College Center
1. All functions being sponsored in the College Center where alcohol is being served must be authorized by the Director of Student Involvement and Campus Events. All alcoholic beverages will be supplied and served by trained alcohol servers hired by the Office of Student Involvement and Campus Events.
2. The College is licensed to sell beer and wine only on McCarthy’s premises.
3. Catered functions in the College Center where alcohol is being served or sold must be planned in conjunction with the Director of Student Involvement and Campus Events and requires that an Alcohol Application be completed. Appropriate staffing by police detail will be required. All licenses in the College Center are obtained by the College Center, and service will be carried out by trained alcohol servers hired by the College personnel.
4. All General Policies and Procedures will be applied to McCarthy’s.
5. No organization is permitted to bring its own alcoholic beverages into the College Center for the purpose of sale, distribution, or consumption.

D. McCarthy's Rules and Regulations
1. All rules and regulations of the Alcoholic Beverages Control Commission and the Framingham Licensing Commission will be followed.
2. All rules and regulations of Framingham State College pertaining to alcoholic beverages will be followed.
3. The following regulations are established by the College and must be followed in order to ensure compliance with state, county, town, and College laws and policies:
   a. Any in-state student or graduate wishing to enter McCarthy’s must show a valid Massachusetts Driver’s License and a validated Framingham State College ID. Only those of legal drinking age will be admitted to McCarthy’s when alcohol is served.
   b. Faculty, staff, and alumni will be allowed to use McCarthy’s after a valid Massachusetts Driver’s License has been presented to the alcohol server.
   c. Each person at the College is allowed the privilege of having one guest. This may be changed at the discretion of the Director of Student Involvement and Campus Events.
   d. All guests must show two forms of positive identification - one of which must be a valid Massachusetts Driver’s License.
   e. All guests must sign a guest register upon admittance. The Framingham State College community member accompanying the guest must also sign the register. Both are to be registered at the checker’s table before entering McCarthy’s.
   f. Framingham State College students will assume complete responsibility for the actions of their guests during the entire stay in McCarthy’s.
   g. At the place of admittance there will be a McCarthy’s security staff member on duty during all hours of operation.
   h. Any Framingham State College student refusing to show a valid College ID will not be allowed to enter.
   i. Any person who is intoxicated or acting in a disorderly fashion will not be allowed admittance to McCarthy’s. No one is permitted to leave or enter the facility in possession of any alcoholic beverages. The
Department of Public Safety and Police Services will be notified about any person(s) intoxicated or acting in a disorderly fashion. The person(s) will be held accountable for his or her actions and disciplinary charges will be filed.

j. The decision to refuse service to anyone believed to be intoxicated, causing a disturbance, or a known minor will rest with the management.

k. Anyone who has been refused service for any of the above reasons or refuses to leave McCarthy’s may lose the privilege of using McCarthy’s on an interim basis and/or the privilege of attending social functions in the College Center where alcohol is served until the proper judicial changes can be adjudicated.

l. The privilege of using McCarthy’s may be revoked on an interim basis by the Director of Student Involvement and Campus Events. The Director may file a complaint through the judicial system.

m. The admittance and guest procedures will be posted outside McCarthy’s.

n. Distilled spirits will not be served or sold on the Framingham State College campus unless permission is granted by the Dean of Student Services. Beer and wine will be the only forms of alcohol served.

o. Disciplinary problems will be referred to the Director of Student Involvement and Campus Events for referral to the Student Judicial System.

E. Residence Halls

1. The Dean of Student Services has the responsibility for granting any privileges regarding alcohol consumption in the residence halls. At the present time, alcoholic beverages are prohibited beyond the threshold of the outside entrance door into the residence halls. (Residence Directors and Graduate Assistants are the only individuals to whom permission has been granted.)

   a. Any alcohol that is brought past the front doors by an Framingham State College student will be confiscated and not returned if it is determined in a hearing that there was unlawful possession. Small amounts of alcohol may be thrown away prior to the hearing.

   b. A nonstudent guest who is twenty-one years of age or older whose alcohol is confiscated will be asked to leave campus, at which time he or she can obtain the alcohol. The guest will receive a letter explaining that his or her presence will not be allowed on the campus without written permission from the Dean of Student Services or designee.

2. At the present time, residents and their guests are not permitted to have alcohol in the residence halls, with the exception of Residence Directors and Graduate Assistants. If, in the future, the Dean of Student Services should change this policy allowing onetime events to be approved, he or she will issue and distribute guidelines at that time.

3. The sanctions are cumulative and will be imposed throughout a student’s
career at the College and not per academic year.

F. Minimum sanctions for violation of Alcohol Policy

First Violation

- Successfully complete the alcohol educational intervention series with a member of the Office of Social Issues and Wellness or designee of the Dean of Student Services.
- One (1) week restriction from all residence halls. *For commuter students: Sixteen (16) week restriction from residence halls.*
- Restriction or Revocation of Privileges. One (1) week restriction from participation or attendance at all athletic events, on or off-campus, and/or from leadership or performances in student group meetings, shows, or activities, on or off-campus.
- One (1) calendar year of Disciplinary Warning and Residential Review.
- Parental/guardian notification at the discretion of the Dean of Student Services, or designee, for students under 21.

Second Violation

- Five (5) week restriction from all residence halls. *For commuter students: Thirty-two (32) week restriction from all residence halls.*
- Restriction or Revocation of Privileges. Five (5) week restriction from participation or attendance at all athletic events, on or off-campus and/or from leadership or performances in student group meetings, shows, or activities, on or off-campus.
- Required substance abuse assessment by a substance abuse therapist approved by the Dean of Student Services. Student will be required to adhere to all written recommendations.
- Disciplinary Probation that replaces the remainder of the Disciplinary Warning, plus an additional calendar year of Disciplinary Probation.
- Residential Review to be served concurrently with Disciplinary Probation.
- Parental/guardian notification at the discretion of the Dean of Student Services, or designee, for students under 21.

Third Violation

- Suspension from the College for a period of not less than sixteen (16) weeks.
- Review prior to readmission.
- Possible criminal investigation.
- Parental/guardian notification at the discretion of the Dean of Student Services, or designee, for students under 21.

G. Pertinent Laws

1. Town of Framingham Policy Regarding Alcohol:

No person shall drink any alcoholic beverages as defined in Chapter 138, Section I of Massachusetts General Laws while on, in, or upon any public way, or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, or private land or place without consent of the owner or person in control thereof. All alcoholic beverages being used in violation
of the By-laws shall be seized and safely held until final adjudication of the
charge against the person or persons arrested or summoned before the
court, at which time they shall be returned to the person entitled to lawful
possession. Approval by the Attorney General, July 15, 1974. Published:

2. Laws of the Commonwealth

The following statements are derived from the Commonwealth restrict-
ing the procurement and sales of alcoholic beverages to persons twenty-
one years of age and older as generally set forth.

a. No person or group may sell alcoholic beverages without an
appropriate license granted by the Commonwealth through the
b. No person shall disturb the peace in any way while intoxicated.
M.G.L.A, c. 138, sec. 2.
c. No person shall drive a motor vehicle while under the influ-
ence of alcoholic beverages. M.G.L.A., c. 90, sec. 24, (2) (a).
d. No person or group shall otherwise procure or purchase
alcoholic beverages for purpose of consumption by a person
under twenty-one years unless the acquiring person is the spouse,
parent, or guardian of the person under twenty-one.
e. A person under twenty-one years of age shall not use the
licenses of another, or alter or deface such a card, and shall not
knowingly transport or carry on his or her person any alcoholic
beverages, unless accompanied by a spouse, parent, or guardian.
M.G.L.A., c. 138, sec. 34B and 34C.
f. No person shall be served alcohol without the appropriate ID,
that being a valid state driver’s license. According to the Massa-
chusetts General Laws Amended, Chapter 138, section 34A, or
the Liquor Control Act, any person under 21 years of age who
purchases alcoholic beverages, who procures alcoholic beverages
in any way, who willfully misrepresents his or her age, who alters,
who defaces, who falsifies his or her identification with intent to
purchase alcoholic beverages, shall be punished by fine up to
$300.00.

3. Outline of the Laws for Driving Under the Influence of Alcohol

If you are convicted for driving under the influence, you will lose
your license, plus thousands of dollars in fees and fines. If you are not
caught, you could lose much more than that. Massachusetts has shown its
commitment to reducing alcohol-related injuries and deaths on our
roadways by passing tough laws and by working to make them even
tougher. Even before going to trial, drunk drivers automatically lose
their license for at least 90 days. Convicted first offenders lose their
licenses for another 45 days (or more) and may have to attend a 16 week
Alcohol Education Program.

- Your license will be revoked for one year.
- You will have to pay $300 to reinstate your license.
• Or, you may be placed on probation and required to attend the First Offender Driver Alcohol Education Program, pay a $527 fee and have your license suspended for not less than 45 days (or 210 days if you are under age 21).
• You will have to pay $300 to reinstate your license.

**The First Offender Driver Alcohol Education Program**

Massachusetts requires first-offender drunk drivers to attend approximately 40 hours during a four-month period of intensive counseling sessions. This education program includes many hours of group sessions, Alcoholics Anonymous meetings, and face-to-face talks with victims of drunk drivers or victims’ families.

There are stiff penalties for those who fail to complete the Program, including extended license suspensions by the court and possible jail sentences.

**If you are convicted of a second offense**

• You will serve a mandatory 30 days in jail and the judge may sentence you up to 2 1/2 years in jail.
• You may be fined up to $10,000.
• Or you may be placed on probation in lieu of a jail term, which will require you to be confined for at least 14 days in a residential alcohol treatment program and pay an $800 fee, and to participate in an outpatient counseling program.
• Your license will be revoked for 2 years.
• You will have to pay $500 to reinstate your license, and take your written license exam and road test over again.

**If you are convicted of a third offense**

• You will be sentenced to a mandatory 150-day sentence in a special secure facility and the judge may sentence you up to 5 years in prison.
• This is a felony conviction.
• You may be fined up to $15,000.
• You license will be revoked for 8 years.
• You will pay up to $1,000 to reinstate your license, and take your written and road test over again.

**If you are convicted of a fourth offense**

• You will serve a mandatory 1-year sentence and the judge may sentence you up to 5 years in prison. This is a felony conviction.
• You may be fined up to $25,000.
• You license will be revoked for 10 years.
• You will pay up to $1,000 to reinstate your license, and take your written and road test over again.

**Five or more convictions**

(Prior convictions, including those in other states, must have occurred within 10 years of the date of the current offense.)
• You will serve a mandatory 2-year sentence and the judge may sentence you up to 5 years in prison. This is a felony conviction.
• You may be fined up to $50,000.
• Your license will be revoked for life.

A DRUNK DRIVING CONVICTION COULD COST YOU, TOO!

• Cost to tow your car: $50.
• Car storage fee per day: $30.
• Magistrate's nighttime bail fee: $25.
• Defense attorney's fee: $2,500.
• Minimum fine: $500.
• Victim witness fee: $75.
• Surcharge for the Head Injury Fund.
• Injury Treatment Services: $100.
• License reinstatement fee: $300.

And these probable additional costs:
• Alcohol Education Program $527.
• Court costs: $250.
• Probation fee: $360.

TOTAL: $4,717*

*Above total does not include insurance surcharge.

If you are convicted of drunk driving, and you are a first offender with a clean driving record, count on spending at least $4,717. Towing costs depend on the time of day and the distance towed. Defense attorney fees for a trial vary according to the facts of the case and the attorney's individual rates.

A conviction will also raise your insurance premium with the loss of all or some of your safe driver credits, or with the addition of a surcharge depending on your driving record for the six (6) years prior to the drunk driving conviction. Add in your wages lost while appearing in court and attending the Alcohol Education Program, and that one conviction could end up costing you thousands of dollars.

Above information provided by:
The Governor's Highway Safety Bureau, Boston, Massachusetts
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*Helpful Information regarding Blood Alcohol Concentration:

Blood Alcohol Concentration (BAC) refers to the amount of alcohol in an individual’s bloodstream. A person’s size, gender, weight, percentage of body fat, and amount of food in the stomach will affect the absorption of alcohol into the bloodstream. The predominant factor in absorption is the metabolism of alcohol by the liver. When alcohol enters the bloodstream, 95% is metabolized by the liver and 5% is excreted in breath, sweat, and urine. The liver takes about one hour per drink to clear the body of alcohol.
Drug Policy

I. Philosophy

Framingham State College is concerned with the welfare of the students, staff, faculty, and administration, as well as the academic and personal development of all students. Abuse of drugs disrupts the environment and places at risk the lives and well-being of the members of the College community as well as the potential for students to contribute to society.

It is important, then, for all members of the College community to take responsibility for preventing the illegal and/or improper use of drugs from adversely affecting the learning and living environment and the academic, physical, and emotional well-being of fellow students.

Since there are many ways the use of drugs may adversely affect the College community, it is important to have a clear policy. This policy is intended to accomplish the following goals:

• To promote a healthy and safe learning environment.
• To demonstrate the commitment of the College to providing education and prevention services, referral services, and treatment and support services.
• To define expectations of student behavior in regard to illegal drug use.
• To identify appropriate disciplinary procedures for those students who engage in illegal drug-related activities.

II. Policy

A. General Policies and Procedures

1. The use and possession, sale, distribution, or manufacturing of illegal substances, including marijuana, LSD, cocaine, Ecstasy, mushrooms, mescaline, peyote, heroin, and other illicit drugs is prohibited on all College grounds and facilities and at any College-sponsored event.
2. Possession of drug-related paraphernalia, including roach clips, bongs, water pipes, cocaine spoons, or any item containing illegal residue is also prohibited and will result in disciplinary action.
3. If a student is suspected of illegal drug use or possession, or selling, distributing, or manufacturing drugs on campus, the process is as follows:
   • Report of any suspected use, etc. by a resident student should be directed from the Resident Assistant to the Resident Director. The Resident Director will then report the incident to the Director of Residence Life. The Director of Residence Life then reports to the Office of Student Life.
   • Report of any suspected use, etc. by a nonresident student should be directed from the person filing the report (student, staff member, faculty member) to the Office of Student Life.
   • If evidence of use, possession, selling, and/or distribution indicates
a violation of the drug policy, charges will immediately be filed within the campus judicial system, and the student may be temporarily suspended until the hearing. If a student is found responsible, the following **minimal** mandatory sanctions will result.

**B. Minimum Sanctions for Violation of the Drug Policy**

1. **Use/Possession:**
   a. **1st offense**
      - Five (5) week restriction from all residence halls. For commuter students: Thirty-two (32) week restriction from all residence halls. Restriction or Revocation of Privileges. Five (5) week restriction from participation or attendance at all athletic events, on or off-campus, and/or from leadership or performances in student group meetings, shows or activities, on or off-campus.
      - Two (2) calendar years of Disciplinary Probation and one (1) calendar year of Residential Review.
      - Parental/guardian notification at the discretion of the Dean of Student Services, or designee, for students under 21.
      - Successfully complete the drug educational intervention series with a member of the Office of Social Issues and Wellness and/or designee of the Dean of Student Services.
   b. **2nd offense:**
      - Fifteen (15) week Suspension from the College.
      - Required substance abuse assessment with a substance abuse therapist approved by the Dean of Student Services. Student will be required to adhere to all written recommendations in order to be eligible for readmittance to the College.
      - Parental/guardian notification at the discretion of the Dean of Student Services, or designee, for students under 21.
   c. **3rd offense:**
      - Expulsion.
      - Parental/guardian notification at the discretion of the Dean of Student Services, or designee, for those under 21.

2. **Selling, Distributing, Manufacturing:**
   a. **1st offense:**
      - Expulsion.
      - Parental/guardian notification at the discretion of the Dean of Students.

**III. Review and Evaluation**

The Student Affairs Committee shall review and evaluate this policy on an annual basis.
## Drug Classes and Penalties

MA General Laws, Chapter 94c, Section 32

<table>
<thead>
<tr>
<th>Drug class</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Imprisonment in prison for not more than ten years, or in jail or house of correction for not more than two and a half years, by a fine of not less than one thousand nor more than ten thousand dollars, or by both such fine and imprisonment.</td>
</tr>
<tr>
<td>B</td>
<td>Imprisonment in prison for not more than ten years, or in jail or house of correction for not more than two and a half years, by a fine of not less than one thousand nor more than ten thousand dollars or both such fine and imprisonment.</td>
</tr>
<tr>
<td>C</td>
<td>Imprisonment in prison for not more than five years, or in jail or house of correction for not more than two and a half years, by a fine of not less than five hundred nor more than five thousand dollars, or both such fine and imprisonment.</td>
</tr>
<tr>
<td>D</td>
<td>Imprisonment in a jail or house of correction for not more than two years or by a fine of not less than five hundred nor more than five thousand dollars, or both such fine and imprisonment.</td>
</tr>
<tr>
<td>E</td>
<td>Imprisonment in a jail or house of correction for not more than nine months, or by a fine of not less than two hundred and fifty nor more than two thousand and five hundred dollars, or both such fine and imprisonment.</td>
</tr>
</tbody>
</table>

### Controlled Substances: Uses & Effects

#### NARCOTICS

<table>
<thead>
<tr>
<th>Drug</th>
<th>CSA Schedule</th>
<th>Trade or Other Names</th>
<th>Medical Uses</th>
<th>Physical Dependence</th>
<th>Psych. Dependence</th>
<th>Method of Administration</th>
<th>Tolerance</th>
<th>Effects of Overdose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opium</td>
<td>1</td>
<td>Dover’s Powder, Paregoric</td>
<td>Analgesic, anti-diarrheal</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>oral, smoked</td>
<td>Shallow breathing, clammy skin, convulsions, coma, possible death</td>
</tr>
<tr>
<td>Morphine</td>
<td>2</td>
<td>Roxanol, MS-Contin, Morphine</td>
<td>Analgesic, anti-tussive</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>oral, injected</td>
<td></td>
</tr>
<tr>
<td>Codeine</td>
<td>3</td>
<td>Robitussin A-C, Florinal w/ Codeine</td>
<td>Analgesic, anti-tussive</td>
<td>Moderate</td>
<td>Moderate</td>
<td>Yes</td>
<td>injected, sniffed</td>
<td></td>
</tr>
<tr>
<td>Heroin</td>
<td>2</td>
<td>Horse, Smack</td>
<td>None</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>oral, injected</td>
<td></td>
</tr>
<tr>
<td>Hydromorphone</td>
<td>3</td>
<td>Dilaudid</td>
<td>Analgesic</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>oral, injected</td>
<td></td>
</tr>
<tr>
<td>Meperidine</td>
<td>2</td>
<td>Demerol, Mepergan</td>
<td>Analgesic</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>oral, injected</td>
<td></td>
</tr>
<tr>
<td>Methadone</td>
<td>3</td>
<td>Dolophine, Methadone, Methadose</td>
<td>Analgesic</td>
<td>High</td>
<td>High-Low</td>
<td>Yes</td>
<td>oral, injected</td>
<td></td>
</tr>
<tr>
<td>Other Narcotics</td>
<td></td>
<td>Tylox, Darvon, Lomotil, Percoden</td>
<td>Analgesic, anti-diarrheal, anti-tussive</td>
<td>High-Low</td>
<td>High-Low</td>
<td>Yes</td>
<td>oral, injected</td>
<td></td>
</tr>
</tbody>
</table>

#### DEPRESSANTS

<table>
<thead>
<tr>
<th>Drug</th>
<th>CSA Schedule</th>
<th>Trade or Other Names</th>
<th>Medical Uses</th>
<th>Physical Dependence</th>
<th>Psych. Dependence</th>
<th>Method of Administration</th>
<th>Tolerance</th>
<th>Effects of Overdose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chloral Hydrate</td>
<td>3</td>
<td>Noctec</td>
<td>Hypnotic</td>
<td>Moderate</td>
<td>Moderate</td>
<td>Yes</td>
<td>oral</td>
<td>Shallow breathing, clammy skin, dilated pupils, weak and</td>
</tr>
<tr>
<td>Barbiturates</td>
<td>2</td>
<td>Amytal, Nembutal, Seconal, Tuinal</td>
<td>Anesthetic, anti-convulsant, sedative</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>oral</td>
<td></td>
</tr>
<tr>
<td>Benzodiazepines</td>
<td>2</td>
<td>Dalmane, Diazepam, Librian, Xanax</td>
<td>Anxiolytic, anticonvulsant, sedative</td>
<td>Low</td>
<td>Low</td>
<td>Yes</td>
<td>oral</td>
<td></td>
</tr>
<tr>
<td>Methaqualone</td>
<td>3</td>
<td>Quaslude</td>
<td>Sedative, hypnotic</td>
<td>High</td>
<td>High</td>
<td>Yes</td>
<td>oral</td>
<td></td>
</tr>
<tr>
<td>Glutethimide</td>
<td>3</td>
<td>Doriden</td>
<td>Sedative, hypnotic</td>
<td>High</td>
<td>Moderate</td>
<td>Yes</td>
<td>oral</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>Equanil, Noludar, Placidyl, Valmid</td>
<td>Anxiolytic, anticonvulsant, sedative</td>
<td>Moderate</td>
<td>Moderate</td>
<td>Yes</td>
<td>oral</td>
<td></td>
</tr>
</tbody>
</table>

#### STIMULANTS

<table>
<thead>
<tr>
<th>Drug</th>
<th>CSA Schedule</th>
<th>Trade or Other Names</th>
<th>Medical Uses</th>
<th>Physical Dependence</th>
<th>Psych. Dependence</th>
<th>Method of Administration</th>
<th>Tolerance</th>
<th>Effects of Overdose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cocaine</td>
<td>3</td>
<td>Coke, Flake, Snow, Crack</td>
<td>Local anesthetic</td>
<td>Possible</td>
<td>High</td>
<td>Yes</td>
<td>sniffed, smoked</td>
<td>Increase in body temperature, agitation, convulsions, possible death</td>
</tr>
<tr>
<td>Amphetamine</td>
<td>3</td>
<td>Obetrol, Dexadrine, Delcobese</td>
<td>ADD, narcolepsy, weight control</td>
<td>Possible</td>
<td>High</td>
<td>Yes</td>
<td>oral, injected</td>
<td></td>
</tr>
<tr>
<td>Phenmetrazine</td>
<td>3</td>
<td>Preludin</td>
<td>Weight control</td>
<td>Possible</td>
<td>High</td>
<td>Yes</td>
<td>oral, injected</td>
<td></td>
</tr>
<tr>
<td>Methylphenidate</td>
<td>3</td>
<td>Ritalin</td>
<td>ADD, narcolepsy</td>
<td>Possible</td>
<td>Moderate</td>
<td>Yes</td>
<td>oral, injected</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>Acyclert, Didrex, Sanorex</td>
<td>Weight control</td>
<td>Possible</td>
<td>High</td>
<td>Yes</td>
<td>oral, injected</td>
<td></td>
</tr>
</tbody>
</table>

#### HALLUCINOGENS

<table>
<thead>
<tr>
<th>Drug</th>
<th>CSA Schedule</th>
<th>Trade or Other Names</th>
<th>Medical Uses</th>
<th>Physical Dependence</th>
<th>Psych. Dependence</th>
<th>Method of Administration</th>
<th>Tolerance</th>
<th>Effects of Overdose</th>
</tr>
</thead>
<tbody>
<tr>
<td>LSD</td>
<td>1</td>
<td>Acid, Microdot</td>
<td>None</td>
<td>None</td>
<td>Unknown</td>
<td>Yes</td>
<td>oral</td>
<td>Longer, more intense &quot;trip&quot;, episodes, psychosis, possible death</td>
</tr>
<tr>
<td>Measaline and Psylocke</td>
<td>3</td>
<td>Mex, Buttons, Cactus</td>
<td>None</td>
<td>None</td>
<td>Unknown</td>
<td>Yes</td>
<td>oral</td>
<td></td>
</tr>
<tr>
<td>Amphetamine Variants</td>
<td>3</td>
<td>PMS, STP, MDA, MDMA</td>
<td>None</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Yes</td>
<td>oral, injected</td>
<td></td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>3</td>
<td>PCP, Angel Dust, Hog</td>
<td>None</td>
<td>Unknown</td>
<td>High</td>
<td>Yes</td>
<td>smoked, oral</td>
<td></td>
</tr>
<tr>
<td>Phencyclidine Analogue</td>
<td>3</td>
<td>PCE, PCEy, TCP</td>
<td>None</td>
<td>Unknown</td>
<td>High</td>
<td>Yes</td>
<td>smoked, oral</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>Butotene, DMT, DET</td>
<td>None</td>
<td>None</td>
<td>Unknown</td>
<td>Pos.</td>
<td>Injected, sniffed</td>
<td></td>
</tr>
</tbody>
</table>

#### CANNABIS

<table>
<thead>
<tr>
<th>Drug</th>
<th>CSA Schedule</th>
<th>Trade or Other Names</th>
<th>Medical Uses</th>
<th>Physical Dependence</th>
<th>Psych. Dependence</th>
<th>Method of Administration</th>
<th>Tolerance</th>
<th>Effects of Overdose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana</td>
<td>1</td>
<td>Pot, Grass, Reefer, Thai Sticks</td>
<td>None</td>
<td>Unknown</td>
<td>Moderate</td>
<td>Yes</td>
<td>smoked, oral</td>
<td>Fatigue, paranoia, possible psychosis</td>
</tr>
<tr>
<td>Tetrahydrocannabinol</td>
<td>2</td>
<td>THC, Marinol</td>
<td>Chemotherapy antinaussant</td>
<td>Unknown</td>
<td>Moderate</td>
<td>Yes</td>
<td>smoked, oral</td>
<td></td>
</tr>
<tr>
<td>Hashish</td>
<td>2</td>
<td>Hash</td>
<td>None</td>
<td>Unknown</td>
<td>Moderate</td>
<td>Yes</td>
<td>smoked, oral</td>
<td></td>
</tr>
<tr>
<td>Hashish Oil</td>
<td>2</td>
<td>Hash Oil</td>
<td>None</td>
<td>Unknown</td>
<td>Moderate</td>
<td>Yes</td>
<td>smoked, oral</td>
<td></td>
</tr>
</tbody>
</table>
Care and Use of College Property

All students are urged to cooperate in maintaining the College facilities in neat, working order by using them carefully, not littering, and by treating the College equipment as respectfully as they would treat their own.

The entire College community suffers from destruction of its property. It is hoped that situations of this sort will not occur, but said students should be aware of the possibility of judicial sanctions in the event cases arrive.

The cost of repairing or replacing damaged buildings, apparatus, furniture, or other property of the College will be charged to the student or students known to be immediately concerned. If the person(s) who caused residence hall damage are unknown, the cost of repairs may be assessed equally upon all the students of the appropriate area or residence hall.

Domestic Violence Policy  M.G.L. 209A

Domestic violence is a crime mandated by the Massachusetts General Laws that requires an arrest of the subject when probable cause exists that a Domestic Violence situation has occurred. The Office of Public Safety and Police Services will respond and assist the victim through the process of reporting this crime and helping them through the court system if the victim chooses the option of a restraining order. Other options are available as well, such as judicial hearings through Student Services, the Counseling Center, or Health Services Departments. If any student, faculty, or staff member has any question regarding this law, please contact the Office of Public Safety and Police Services and direct your inquiries to Lt. Pam Curtis or Chief Brad Medeiros.

Education Amendment Acts

A. Title IX. 1972

In order to comply with the requirements of Title IX of the 1972 Educational Amendments Act, Framingham State College guarantees that no student shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any of the College’s programs or activities. This assurance extends to all aspects of the operation of the College affecting students, such as admission, financial aid, counseling of all types, classroom procedure, academic and educational programs, athletics, housing, funding of activities, and use of facilities.

B. Family Educational Rights and Privacy Act 1974

The following notification to the students is given regarding their educational records. Dissemination of such information is required under the Act entitled “Privacy Rights Act of Parents and Students.” The Vice President, Academic Affairs, of Framingham State College, is responsible for supervising and coordinating the implementation of this policy.

1. All educational records for the purpose of this notice shall be defined as those records, files, documents, and other materials which (a) contain information directly related to the student, and (b) are maintained at Framingham State College.
2. The following paragraphs list the educational records maintained at
Framingham State College, and also a description of the information contained in the records and the name of the person responsible for maintaining them; however, the term “educational records” does NOT include:

a. Personal files and administrative personnel which are in the maker’s duties for a temporary period.
b. Records of the law enforcement unit associated with an educational institution, if the unit’s personnel are not allowed access to a student’s educational records and which are kept separate from the educational records, are maintained for law enforcement purposes only, and are available only to law enforcement officials.
c. Employment records of non-student employees of the institution which relate exclusively to aiding employees in their occupational capacity and are not available for use for any other purpose.
d. Medical, psychiatric, or psychological records created and used only for the treatment of a student available only to those providing the treatment (provided, however, that a physician or other appropriate professional of the student’s choice may review such records).
e. Types and location of Restricted Records maintained by Framingham State College available only for review by physicians or other appropriate professionals of the student’s choice. Such review may result in written observations to be written in the student’s file.

NOTE: The Family Educational Rights and Privacy Act as amended does not prohibit the destruction of records. As such, the College will, from time to time, routinely review and, when deemed appropriate, destroy non permanent educational records. However, any existing records may not be destroyed if a prior claim of access has been made for such a student until said claim has been processed.

C. Type and Locations, Records

1. The Academic (full-time undergraduate) records are located in the Office of the Registrar. The Registrar is the person responsible for the following records: 1) permanent records (transcript), 2) college application, 3) high school record, 4) semester grade sheets, 5) College Board scores and profile, 6) miscellaneous correspondence, 7) transcript request forms, 8) study list audit, 9) acceptance data, 10) deficiency reports, 11) Social Security forms (when available), 12) Veterans’ Administration forms (veterans only), 13) course progress forms, 14) transcripts from former colleges and universities (transfer students only), 15) change of status form, 16) transcripts from other colleges in conjunction with off-campus course approval forms.

2. The Academic (graduate program) records are located in the Office of Graduate and Continuing Education. The Associate Vice President, Academic Affairs, is the person responsible for the following records: 1) letters of reference, 2) application forms, 3) transcripts from other colleges and universities, 4) evaluation reports of practicum and intern-
ships, 5) test scores from Graduate Record Examination and Miller Analogy Test.

3. **The Academic (external degree)** records are located in the Office of Graduate and Continuing Education (Special Programs). The Associate Vice President, Academic Affairs, is the person responsible for the following records: 1) transcripts from other colleges and universities, 2) records of assessment of experimental learning, 3) records of Core Area Competency Demonstrations, 4) resume of life experiences, 5) letters of reference, 6) application forms, 7) documentation of life experiences.

4. **The Disciplinary** records are located in the Assistant Dean of Student Services Office. The Dean of Student Services is the person responsible for the records of students appearing and found guilty of College violations under the Social Judicial System.

5. **The Financial Aid** records are located in the Financial Aid Office. The Director of Financial Aid is the person responsible for these records.

6. **The Housing** records are located in the Residence Life and Housing Office. The Assistant Dean of Student Services and Residence Life/Housing is the person responsible for the following records: 1) room contracts, 2) residence questionnaires.

7. **The Medical** records are located in the Health Center. The Director of Health Services is the person responsible for the following records: 1) physical examination records, 2) follow-up reports made at individual appointments.

8. **The Placement** records are located in the Career Services Office. The Director of Career Services is the person responsible for these records:
   A. Individual Student Placement Files
      1. Letters of recommendation
      2. Letters of commendation
      3. College interview form
      4. Resume
      5. Student teaching/internship evaluations
      6. Placement fee records.

9. **The Psychological** records are located in the Counseling Center. The Director of the Counseling Center is the person responsible for these records: 1) card file containing name, appointment dates, and other administrative dates; 2) individual student folder containing:
   a. test results and interpretations
   b. interview notes, reports from psychiatrist, and other “treatment” related information.

10. **Veterans’ Records:** Individual student files are located in the Registrar’s Office. The Registrar is responsible for the following records: 1) applications for Work Study and other appropriate employment, 2) student fact sheets containing nonpayment questions with regard to Veterans’ Administration-related matters.
Those who are presently or have been students at Framingham State College have the following rights in relation to their educational records:

1. Right to the list of educational records which are maintained by the College.
2. Right to inspect and review the contents.
3. Right to a copy of the records at the student’s expense - five cents ($0.05) per page.
4. Right to a response from the College to reasonable requests for explanations of records.
5. Right to a hearing to challenge contents of records, but not the right to contest a grade. If a student has material on two or more areas, the hearing is restricted to the pertinent area.
6. The College has 45 days on the outside to comply with the student’s request in regard to those rights referred to in the above listed rights.

NOTE: Framingham State College will not make the following available to students:

1. Financial records of the parents of the students or any information contained therein.
2. Confidential letters and statements of recommendation, which were placed in the educational records prior to January 1, 1975, if such letters or statements are used for purposes which they were specifically intended.
3. The student may waive the student’s right of access to letters and statements of recommendation placed in the educational records subsequent to January 1, 1975, provided:
   a. This waiver is conditioned upon the student knowing names of informants and letters used strictly for the purpose for which intended.
   b. The only purposes for which these letters may be used are the following: with respect to the admissions to any educational agency or institution, with respect to an application for employment, with respect to the receipt of an honor or honorary recognition.

NOTE: Directory Information at Framingham State College includes a student’s name, address, telephone listing, school or college, major field of study, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, and the previous educational agency or institution attended by the student. This Directory Information will be made public unless the student specially expresses in writing to the Office of the Registrar a request not to release such information.

NOTE: No one shall be permitted access to, nor shall there be any release of, educational records or personally identifiable information contained therein other than Directory Information without the student’s written consent with the following exceptions:
1. Local educational agency, who have been determined by such agency or institution to have legitimate educational interests.
2. Officials of other colleges in which the student seeks or intends to enroll, upon condition that the student be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
3. Authorized Federal Representatives as follows:
   a. The Comptroller General of the United States
   b. The Secretary
   c. The Commissioner, the Director of the National Institute of Education, or the Assistant Secretary for Education, or State Educational Authorities who are concerned with audit and evaluation of legal requirements which relate to such programs.
4. Any State officials, authorized by statute, who have access to educational records.
5. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering student aid programs, and improving instruction if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than the representatives of such organizations, and such information will be destroyed when no longer needed for the purpose for which it is conducted.
6. Accrediting organizations in order to carry out their accrediting functions.
7. Parents of a dependent student of such parents, as defined in Section 152 of the Internal Revenue Code of 1954, or if parents want access to any of the records for this reason, a letter requesting access must be sent along with a copy of last year’s federal tax return indicating dependents to the Dean of Student Services.
8. In compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that the parents and the student are notified of all such orders of subpoenas in advance of the compliance therewith by the educational institution.
9. “Appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health and safety of the student.” In connection with a health or safety emergency.
10. An alleged victim of a crime of violence may be informed of the results of any disciplinary proceeding conducted by the institution against the alleged perpetrator of the crime.

D. Procedure for Gaining Access to Records
1. Framingham State College has developed the following procedures for the granting of a request by students for access to their own educational record. These procedures require that any request for access to educa-
tional records be accommodated within a reasonable period of time, but in no case shall access be withheld for forty-five (45) days after the request has been made.

a. A student who desires access to records must obtain and complete a request form obtained at the Office of the Registrar.

b. The student then proceeds to the appropriate office, presents the form to the person in charge, and makes an appointment to view his or her records.

c. The student verifies identity by showing a valid form of ID.

d. Access will be supervised to ensure that no documents are removed or altered, and care will be taken to prevent the insertion of unauthorized materials.

2. Inquirer shall fill out the name, date, and reason for access, which shall be recorded and become part of the file’s audit trail.

E. Procedures for Challenging the Content of Educational Records

Any student may challenge the contents of his or her records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of other rights of students, and to provide an opportunity for correction or deletion of such data. The exception is that a student cannot challenge any academic grade received. Initially, the challenge may be handled through informal discussion between the originator of the record and the student. If the challenge cannot be resolved through informal discussion to each party’s satisfaction, then the student should state in writing to the Vice President of Academic Affairs or designee, the contents of those records the student wishes to appeal and the basis of the appeal. A hearing shall be called within three (3) academic weeks from the time the Vice President of Academic Affairs or designee, receives the student’s request for a hearing. The hearing shall assure that all parties be given a full and fair opportunity to present evidence. This hearing shall be conducted by the Vice President of Academic Affairs or designee. Once a decision is reached, the Vice President of Academic Affairs or designee shall communicate said decision to the student within 30 days of time, and in written form. In the event that the student disagrees with the decision of the hearing, he or she may request a review of the decision from the Office of the President. However, the decision to grant a new hearing will be made only if a significant question of policy or compliance with the law appears to be presented in the matter in question. Aforementioned information is not intended to include the challenge of any grade received by the student.

NOTE: The Family Educational Rights & Privacy Act of 1974 does not prevent a student from appealing a grade for reasons other than that above. The College reserves the right to determine its own policies for grade appeals.
Equal Opportunity and Affirmative Action/Diversity and Human Rights

It is the policy of Framingham State College not to discriminate in employment or education on the basis of race, color, religion, creed, gender, gender orientation, sexual orientation, age, disability, veteran status, marital status, or nation of origin. The College operates under an Affirmative Action Equal Opportunity/Diversity Plan, approved by the Board of Higher Education and the College Board of Trustees, that promotes and maintains a policy of nondiscrimination, equal opportunity, affirmative action, and diversity. This policy incorporates by reference the requirements of Federal Executive Orders 11246 and 11375 as amended; the Civil Rights Act of 1964 as amended; Title IX of the Higher Education Amendments of 1972 as amended; Sections 503 and 504 of the Rehabilitation Act of 1973; Section 402, Vietnam Era Veterans Readjustment Assistance Act of 1974; the Civil Rights Restoration Act of 1988; the Americans with Disabilities Act of 1990; the Civil Rights Act of 1991; and pertinent Laws, Regulations, and Executive Orders; directives of the Board of Higher Education, the Board of Trustees of the Massachusetts State Colleges, the Commonwealth of Massachusetts, and other applicable local, state, and federal statutes. Further, the College encourages people of color, women, and persons with disabilities to participate in all the rights, privileges, programs, and activities generally accorded or made available to the College community.

Framingham State College has established internal discrimination complaint procedures to help resolve discrimination problems on campus. These procedures serve as a system of review and resolution for both informal claims and formal complaints of discrimination. Further information or advice concerning discrimination may be obtained by contacting the Director of Human Resources, Dwight Hall, Room 306, telephone number (508) 626-4530.

Firearms and Fireworks

In accordance with the laws of the Commonwealth of Massachusetts, Chapter 269, Section 10 and Chapter 148, Section 39, no person may have in his or her possession or use any firearm, loaded or unloaded, in any building, or on the grounds of any college or university without written authorization of the board of officers in charge of said college. He or she shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both. He or she may not sell, explode, or cause to explode any combustible or explosive composition or substance or any other articles, which were prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. No student will be allowed to bring a paint gun for any reason to campus without the express written permission of the Dean of Student Services and/or the Chief of Public Safety and Police Services.

Framingham State College Policy on Non–Discrimination and Accommodation for Persons with Disabilities

Framingham State College recognizes the multitude of barriers which confront people with disabilities in access to both employment and education. Consistent with state and federal statutes, which affirm and protect the equal
opportunity rights of otherwise qualified persons with disabilities, Framingham State College has adopted a policy of nondiscrimination and equal opportunity for otherwise qualified persons with disabilities. In all matters of employment and education such persons will receive full and fair treatment.

Section 1. Employment of Persons with Disabilities

Framingham State College will examine all existing employment policies, practices and facilities to assure that we do not disparately treat or impact on otherwise qualified persons with disabilities where such disparity is found; it will be corrected as quickly and completely as is reasonable under existing financial constraints.

Framingham State College will make every effort to employ and advance in employment otherwise qualified persons with disabilities. This requires constructive, proactive measures to advocate for equal opportunity in all areas of employment including recruitment, selection, upgrading, training, compensation, benefits and all other terms and conditions of employment. Such measures shall include, but not limited to, vigorous identification of competitive persons with disabilities for selection, promotion and training. In accordance with law, Framingham State College will afford reasonable accommodations to any otherwise qualified employee with a disability to enable the employee to perform the essential functions of the job. Reasonable accommodations will also be afforded to applicants for employment who have a disability to enable them to adequately pursue a candidacy for any available position.

Section 2. Education of Students with Disabilities

Framingham State College will examine all existing admissions, student support and other student life policies, practices and facilities to assure that we do not disparately treat or impact on otherwise qualified students with disabilities. Where such disparity is found, it will be corrected as quickly and as completely as is reasonable under existing financial constraints.

Framingham State College has adopted a policy of nondiscrimination with respect to admissions, access to programs and facilities and services and freedom from unlawful acts of humiliation and harassment for all otherwise qualified students with disabilities. In accordance with law, Framingham State College will provide necessary reasonable accommodations (including support services) to otherwise qualified students with disabilities to assure equal access to programs, facilities and services.

Section 3. Institutional Complaint Procedures

Framingham State College has established specific internal complaint procedures to help resolve claims and complaints of discrimination on campus. The College’s discrimination complaint procedures will serve as a system of review and resolution for both informal claims and formal complaints of discrimination because of disability. Any member of the College community who believes that she/he has been the victim of discrimination because of disability may initiate the informal claim or formal complaint procedures as outlined in the College’s discrimination complaint procedures. Further information or advice may be obtained by contacting the Director of Human Resources and Affirmative Action.
Fund Raising/Ticket Policy

The requirements which follow must be adhered to when a group or organization is planning to have an event where funds will be generated. Preceding the initial planning of the event, approval must be received from the Director of Student Involvement and Campus Events, or designee. The following services are for the benefit of students, as well as the College’s, in regard to fiscal solvency and audit requirements.

1. Pre-numbered Computer Tickets will be used for all events where an admission price is going to be charged, i.e. concerts, night club, social event, etc. These tickets will be ordered in advance from the Office of Student Involvement and Campus Events.
2. For activities where there will be other funds generated besides those collected from an admission charge, i.e. beverage and food sales, etc., pre-numbered roll tickets will be used. Every time an item is sold, a ticket must be issued. These tickets will be issued by the Office of Student Involvement and Campus Events.
3. Returns must be made to the Office of Student Involvement and Campus Events at the end of each day that the tickets are on sale. Upon submission of returns, a receipt will be issued to the sponsoring organization.
4. A ticket audit form must be filled out before and after all events, with a record of the beginning and ending number of tickets sold. When tickets are being sold in advance, a daily audit form should be filled out and submitted to the Office of Student Involvement and Campus Events accompanying the daily return.
5. After each event, the sponsoring agent will return to the Office of Student Involvement and Campus Events all unsold tickets and the stubs from the night of the event. These will be placed in an envelope and retained for use by the auditors.
6. **Raffles**: Before a raffle begins, the sponsor must register with the Office of Student Involvement and Campus Events the ticket numbers, the price of the tickets, total number of tickets sold, and the prizes and their value. After the raffle is completed, an audit form must be turned in. The name and address of the winner must be recorded. All unsold tickets will be retained for the auditors.
7. **Bake sales, car washes, etc.**: After the event or sale is over, an income report must be submitted to the Office of Student Involvement and Campus Events detailing what was sold and what funds were generated.
8. No monies or ticket banks are to be held overnight by a student representative. All cash will be secured in the Office of Student Involvement and Campus Events safe.

**Under no circumstances are receipts to be used to buy or pay for merchandise or services.** All payments must be made through the College Voucher Officer, Room 306 Dwight Hall, (508) 626-4530 or Dennis Polselli, Director of Disability Services and ADA Coordinator, Room 510C, D. Justin McCarthy College Center, (508) 626-4627.
System utilizing either the Student Activity or Class and Club Account.

**Hazing**

The term “hazing” as used in this section shall mean, “any conduct 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, but is not limited to: whipping, beating, branding, forced calisthenics, exposure to weather, forced consumption of any food, liquor, beverage, drug or other substance, or any 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 person to extreme mental stress, including extended deprivation of sleep, rest, or extended isolation.

A student who knows that another person is a victim of hazing as defined above and is at the scene of the hazing shall, as the law requires, report such hazing to an appropriate law enforcement official as soon as reasonably practicable.

Hazing will be treated as a violation of the Code of Conduct. Charges will be filed through the Judicial System and may be filed externally as a violation of Massachusetts General Law.

**Insurance – Theft/Property Damage**

The College is not responsible for the loss of students’ personal belongings by theft or property damage. It is suggested that parents extend their homeowner’s coverage to include the student’s belongings while away from home.

**Involuntary Administrative Withdrawal**

Students are subject to involuntary withdrawal from Framingham State College, or from the Framingham State College residence halls by the Dean of Student Services, if it is determined that the student is suffering from a mental disorder and, as a result of that disorder, has threatened or engaged in self-destructive behavior causing significant damage, or has impeded the lawful activities of others. A complete copy of the standards and procedures is available in the Office of the Dean of Student Services.

**Outdoor Music Policy**

A. *Introduction:* As an integral part of student life at Framingham State College, daytime programs have been advocated by classes, clubs, student organizations, and academic classes in order to meet the co-curricular and leisure time needs of the College community. In particular, outdoor musical functions have a threefold purpose:

1. to provide daytime programs for the entire College community,
2. to give campus talent an opportunity to perform,
3. to create an environment for social interactions.

B. *Recognized Annual Events:* The following events are recognized as part of the tradition at Framingham State College and are subject to the
guidelines below. They are to be given first preference in scheduling each semester:

1. Orientation Activities
2. Spring Sandbox
3. Senior Week Activities

C. Locations: Campus-wide events must be held in the following areas:

1. Upper Sandbox
2. Lower Sandbox
3. Dwight Hall

All locations must meet health and safety standards.

D. Scheduling:

1. All events must be approved by the Office of Student Involvement and Campus Events, and scheduled through the Campus Reservations Division.
2. All outdoor functions will begin no earlier than 5:00 p.m. on regularly scheduled academic days and extend no later than 10:00 p.m., unless special permission is granted by the Dean of Student Services, or designee.
3. All outdoor functions scheduled on weekends or holidays will begin no earlier than 12:00 noon and extend no later than 10:00 p.m., unless special permission is given by the Dean of Student Services or designee.
4. Outdoor music will not be played on Monday through Thursday after 5:00 p.m., unless special permission is granted by the Dean of Student Services, or designee, and notification is given to the Dean of Graduate and Continuing Education two (2) weeks prior to the event.
5. The number of events scheduled on Friday nights, Saturdays, and Sundays is limited to five (5) per semester, including all recognized annual events.
6. All outdoor functions that are contrary to 3A, and 4A, B, C, D, and E must receive special permission from the Vice President, Academic Affairs, and the Dean of Student Services, or their respective designees. All functions must adhere to specified regulations.

E. Neighborhood Notification: Neighbors in the surrounding area (extent dependent upon the specified event) will be notified in writing by the sponsoring organization of the event, under the supervision of the Office of Student Involvement and Campus Events, at least one (1) week in advance of the event.

F. Security: The number of campus security officers required shall be determined by the Chief of Public Safety and Police Services.

G. Beverages: Compliance with the institution’s alcohol policy (pgs. 72-79) is required.

H. Litter: The sponsoring organization will be responsible for all clean-up within 24 hours, subject to the penalties referred to in Article 9.

I. Damage: Action will be levied against an individual, group, and/or organization in the event of damage once the responsible party has been determined.

J. Traffic: No parking on State Street shall be permitted between the main entrance to the campus and the end of Horace Mann Hall on the days that the Upper Sandbox is being utilized for an extensive musical program.
Traffic must continue to flow on State Street.

K. Evaluation:
1. The sponsoring organization will complete the Office of Student Involvement and Campus Events program evaluation form after each outdoor function is held in order to identify problems and in order to solicit feedback from members of the College community.
2. An annual Student Affairs Committee evaluation and review of this policy is recommended.

Protective Custody

As defined in Chapter 111B:

Protective Custody is used as a safety measure to care for a person who is incapacitated. Any person who is incapacitated and/or considered to be a danger to themselves or others may be transported by a police officer, with or without his or her consent, to a facility or police station. The police officer may request the person to perform reasonable tests of coordination, coherency of speech, and breath.

Any person who is brought to a police station shall have the right to request a Breathalyzer test. Any person who is administered the Breathalyzer test and is found to have a percentage of alcohol in their blood at ten one hundredths or greater shall be considered intoxicated.

- Any person presumed intoxicated and held in protective custody at a police station has a right to make a phone call.
- An incapacitated person can be held in protective custody until they are no longer incapacitated, but no longer than twelve (12) hours, whichever is shorter.
- A person placed in protective custody is NOT under arrest and has NOT been charged with a crime.
- Upon arrival at the police station, documentation will be made as to whether or not the person exercised their right to a phone call, or their right to a Breathalyzer test (Statutory Rights and Consent Form).

The Framingham State College Zero Tolerance Policy and Protective Custody

Framingham State College’s Zero Tolerance Policy/Alcohol Policy states that a person may not be on, near, or around any of the College’s property while incapacitated (intoxicated). If a student or their guest is found to be intoxicated while on or around College property, the incapacitated person shall be subject to being placed under protective custody.

A police officer may ask the person they believe to be intoxicated to perform field sobriety tests. If an officer believes a person may create a safety risk to him/herself or others, then safety will be used as the determining factor for allowing an officer to place an allegedly incapacitated person into protective custody.

The incapacitated person will then be placed in handcuffs. This procedure is a safety issue as well as a policy. A pat-frisk for weapons will then be performed prior to placing the incapacitated person in the cruiser. The incapacitated person will then be brought to the Framingham Police Department, or the State Police Barracks, to be booked (the person is not under arrest). Photographs and finger-
prints may or may not be taken, depending on the decision of the supervisor handling the booking. Again, the person is NOT under arrest. Incapacitated persons are placed in a cell and observed as the blood alcohol content decreases. Generally a person is released within four (4) to twelve (12) hours of being placed into protective custody.

Protests and Demonstrations
Framingham State College recognizes the fact that any individual may demonstrate. However, demonstrations must be carried out in such a way as not to inflict bodily injury; obstruct physical movement to, from, or within any place on the campus; nor to be disruptive of any activity on campus. Violators will be dealt with by utilizing authorized procedures of the College.

Serious Illness or Death of a Fellow Student
Unfortunately, from time to time, the College community experiences the serious illness or death of one of its members. In the case of a student’s death, the College offers the community a chance to express its sorrow by sharing together in a memorial service or gathering on campus. These services are prepared by friends of the deceased in conjunction with family members and members of the College administration. If you are aware of the death of a classmate, you are asked to notify the Office of the Dean of Student Services at (508) 626-4596. This Office will notify appropriate members of the College community so that the College may extend its sympathy to the family of the deceased and begin the arrangements for the memorial service.

Sexual Harassment Policy
The Massachusetts State Colleges prohibit any member of the College community, male or female, from sexually harassing another employee, student, or other person having dealings with the institution. The Colleges are committed to providing a working, living, and learning environment that is free from all forms of sexual abuse, harassment, or coercive conduct. This policy seeks to protect the rights of all members of the College community (faculty, librarians, administrators, staff, and students) and other persons having dealings with the institutions, to be treated with respect and dignity.

Sexual harassment is a form of behavior which fundamentally undermines the integrity of academic and employment relationships. It is of particular concern within educational institutions where all members of the community, including students, faculty, librarians, staff, and administrators, are connected by strong bonds of intellectual interdependence and trust. Both the Federal Courts and the Equal Employment Opportunity Commission have ruled that sexual harassment constitutes sex discrimination as defined under Title VII of the Civil Rights Act of 1964. Sexual harassment has also been judged to be prohibited sex discrimination under Title IX of the Higher Education Amendments of 1972 as amended, and under Chapter 151B and 151C of the Massachusetts General Laws.

The Massachusetts State Colleges, in response to the issue of sexual harassment, provide the following definition which applies to any individual of either sex
who participates in the College community as a student, faculty member, librarian, administrator, staff member, or other person having dealings with the institution.

**Definition**

Sexual harassment consists of unwelcome verbal, non-verbal, and/or physical behavior of a sexual nature which has the effect of interfering with a person’s academic, employment, or other status, or of creating a sexually intimidating, hostile, or offensive environment. Sexual harassment incidents can involve a male harasser and a female victim, a female harasser and a male victim, and also same-gender harassment.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
1. submission to such conduct is either made explicitly or implicitly a term or condition of an individual’s employment or education,
2. submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual,
3. such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating a sexually intimidating, hostile, or offensive employment, educational, or living environment.

**Examples of sexual harassment may include, but are not limited to:**
- verbal harassment or abuse,
- subtle pressure for sexual activity,
- sexual remarks about an individual’s or group’s clothing, body, or sexual activities,
- unnecessary touching, patting, or pinching,
- demands for sexual favors accompanied by implied or overt threats or offers concerning one’s job, grades, letter of recommendation, etc.,
- physical sexual assault.

**Consensual Relationships**

Under this policy of the Massachusetts State Colleges, consenting romantic and sexual relationships between faculty and student, librarian and student, administrator and student, classified staff member and student, or supervisor and employee are deemed unprofessional. Because such relationships interfere with or impair required professional responsibilities and relationships, they are looked upon with disfavor and strongly discouraged by this policy.

Codes of ethics for most professional associations forbid professional–client sexual relationships. In this context and for the purposes of this policy, the professor–student relationship is properly regarded as one of professional and client. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in giving praise or blame, grades, recommendations for further study and employment, and other benefits or opportunities, diminish the student’s actual freedom of choice such that relationships thought to be consensual may in fact be the product of implicit coercion. Many elements of the administrator-student, librarian-student, classified staff member-student, and the supervisor-employee relationship are similar to those of the professor-student relationship because of a similar imbalance of power and a similar need for trust. For purposes of this policy, therefore, these relationships are also discouraged and looked upon with disfavor.
Faculty, librarians, administrators, classified staff members, and supervisors are warned against the dangers of apparently consensual relationships. A faculty member, librarian, administrator, or classified staff member who enters into a romantic or sexual relationship with a student, or a supervisor who enters into such a relationship with an employee where a power differential exists, must realize that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to disprove the claim on the grounds of mutual consent. Because that is so, it should be understood that relationships of this kind pose serious professional risks to any who enter into them.

Institutional Measures to Confront Sexual Harassment
Whenever it has been properly determined that sexual harassment has occurred, the College will take prompt and corrective action, including appropriate disciplinary action. In determining whether the alleged conduct constitutes sexual harassment, the College will look at the entire record and the circumstances, such as the nature of the sexual conduct and the context in which the alleged incidents occurred, and will make a decision on a case-by-case basis. The College is committed to promoting, to the greatest degree possible, an environment free from sexual harassment.

Institutional Complaint Procedures
The Massachusetts State Colleges have established specific internal complaint procedures to help resolve claims and complaints of discrimination on the campus. The State Colleges’ Discrimination Complaint Procedures will serve as a system of review and resolution for both informal complaints and formal complaints of sexual harassment. Any member of the College community who believes that he or she has been a victim of sexual harassment may initiate the informal claim or formal complaint procedures as outlined in the State Colleges’ Discrimination Complaint Procedures. Further information or advice may be obtained by contacting the Director of Human Resources. Students may also seek guidance, advice, and assistance from the Dean of Student Services or designee.

Smoking
All buildings are smoke–free. This includes all student rooms, hallways, and common areas.

Snow Emergency
In case of snowy weather, please tune to WBZ Channel 4 and/or WBZ Radio 1030 AM to determine whether or not classes will be held. The Campus Snow Emergency number is (508) 626-4898.

Solicitation Policy
The selling, purchasing, posting, and/or distribution of printed matter or articles of merchandise will not be permitted on College property without registering with the Office of Public Safety and Police Services and receiving permission from the appropriate authority. Recognized student organizations and individual students must request permission from the appropriate authority to solicit merchandise. All non-campus organizations wishing to utilize the College
The law with regard to stalking is the following: Whoever willfully and maliciously and repeatedly engages in a pattern or conduct or series of acts over a period of time directed at a specific person, which did seriously alarm or annoy such person and would cause a reasonable person to suffer substantial emotional distress, and did make a threat with the intent to place such person in imminent fear of death or bodily injury shall be guilty of the crime “stalking.”

Student Attire

Student attire shall be appropriate for the place or activity involved, for example: laboratory, gymnasium, or social occasion. In the dining areas of the College, shirts must be worn. No one may enter any area where food is served without footwear.
Student Welfare - General
A. General Safety and Well Being: when the safety or well being of students becomes a matter of concern, students can rest assured that prompt attention will be given by the appropriate Student Services staff member. In the event that the safety and well being of a student or students becomes endangered, the College Judicial System may be utilized.

B. Medical and Psychological Concerns: when the medical and/or psychological well being of an individual becomes a matter of concern, he/she is requested to contact either the Office of Health Services or the Counseling Center.

Travel Policy
A club or organization wishing to sponsor an overnight off-campus excursion, must contact the Director of Student Involvement and Campus Events to register. The trip information form must be filled out in Room 406 of the College Center. A faculty member or College administrator must attend the trip as an official representative of the College for the purpose of liability and dealing with any problems that might arise.

Promotion of registered trips only will be permitted on campus. Trip requests will be on a first-come-first-served basis. Once an organization has registered a trip, other organizations will not be allowed to plan a similar trip during the same time period. The Student Involvement and Campus Events staff has experience and resources to assist students in planning trips.

Trespassing
Students may not take shortcuts through the property of the neighbors surrounding the College. In order to maintain good public relations with the neighbors, students should use the public streets and walks to come to and from campus.