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# College Policies

## Code of Conduct

The standards of conduct for Massachusetts College of Art are published as the Student Code of Conduct and the commission of any of the acts enumerated in the Student Code of Conduct will be considered violations of accepted conduct. The Student Code of Conduct and the disciplinary system apply to individual students and student organizations. In the enforcement of the Code, all students will have the right to receive notice of charges and the opportunity to be heard.

The enforcement of such standards must protect the rights, health, and safety of members of the community in order that they may pursue their educational goals without undue interference. Integrity, wisdom, and empathy are among the most important characteristics necessary for the administration of student conduct standards. Officials who exercise such duties must do so with a sense of impartiality and fairness.

The Chief Student Affairs Officer or his/her designee has specific responsibility for the operation and administration of the Student Code of Conduct. The Chief Student Affairs Officer or his/her designee will conduct training sessions for Hearing Officers and bodies as well as manage and maintain all records.

### Article I: Definitions

"College" means Massachusetts College of Art.

"Student" means a person enrolled in or auditing any course offered by the College.

"Faculty member" means a person employed by the College to conduct and evaluate course activities for Students.

"College official" means a person, employed by the College, to perform assigned administrative or professional responsibilities.

"Member of the College community" means any person who is a Student, Faculty member, College official, or any other person employed by the College.

"College premises" means all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by Massachusetts College of Art.

"Student Organization" means an association of persons holding a charter issued by the Student Government Association.

"Hearing Officer" is the Chief Student Affairs Officer or his/her designee the College official designated by the Chief Student Affairs Officer to serve as hearing officer.

"Hearing Body" means group of persons authorized to determine whether a student has violated the Policy and to recommend the imposition of sanctions.

"Policy" means any written regulation of the College, including, but not limited to those published in the Student Code of Conduct, the Student Handbook, Residence Hall Handbooks, occupancy agreements, leases and the Graduate/Undergraduate Catalogs.

"Cheating" includes:

Use of any unauthorized assistance or sources in taking quizzes, tests, or examinations, writing papers or reports, solving problems, or performing other course assignments.

The acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff.

"Plagiarism" means the misrepresentation of another's work as one's own. In creative work, plagiarism is the inappropriate and unethical representation of another's work as one's own. In those instances where a significant portion of a creative work is intentionally "appropriated," plagiarism is the failure to note, orally or in writing, the source of the appropriation. In expository or academic writing, whenever your work incorporates someone else's research, images, words, or ideas, you must properly identify the source unless you can reasonably expect knowledgeable people to recognize it. Proper citation gives you credit where it is due and enables your readers to locate sources and pursue lines of inquiry raised by your paper. Students who do not comply may be penalized. For further information, see the "Introduction" to the *Critical Studies Handbook of Citation* and the *MassArt Student Handbook*.

**Article II: Authority**

The Student Code of Conduct applies:

- a. To all accepted and/or registered full and part-time students as well as continuing education students enrolled at MassArt.
- b. All Student Organizations.

**Article III: Jurisdiction**

Students are subject to provisions of this Code while they are on College premises or while they are participating in off-campus, College-sponsored programs or courses. Additionally, MassArt reserves the right to take disciplinary action as set forth in the Code for the conduct of its students off-campus when such conduct constitutes misconduct, as defined in this Code, and is sufficiently serious to call into question a student's suitability to remain as a student of the College, e.g., the use of controlled substances or alcohol, or conduct that constitutes a crime.

**Article IV: Hearing Bodies**

Hearing bodies seek to discover truth, protect the innocent, and sanction those students who violate the College Policy, including the Code Conduct. Hearing bodies and alternates are trained by the Chief Student Affairs Officer or his/her designee to conduct proceedings that are fair, objective, and just.

## 1. The Hearing Officer

*Jurisdiction:* the Hearing Officer shall be a member of the Division of Student Development staff and may include member(s) of the Residence Life staff to carry out these responsibilities for incidents occurring in the residence halls. The Hearing Officer may render a decision on cases if the accused student(s) waives the right to have the case heard by the College Hearing Board.

## 2. College Hearing Board

*a. Jurisdiction:* the College Hearing Board is the board of original jurisdiction. The Chief Student Affairs Officer or his/her designee will refer cases of alleged violations to the Board.

*b. Composition:* the College Hearing Board is composed of two students, one faculty member, and two administrators. One administrator serves as Chair.

Student members of the College Appeals Board are appointed by the Chief Student Affairs Officer or his/her designee from students nominated by the Student Government Association. The Chief Student Affairs Officer or his/her designee selects the administrators and the faculty member. Vacancies may be filled at any time. One alternate for each member is appointed by the Chief Student Affairs Officer or his/her designee to serve in the absence of a regular member.

During break periods or under special circumstances as determined by the Hearing Officer, the composition of the College Hearing Board may be amended to be composed of one student, one faculty member and one administrator.

*c. Term of Office:* members of the College Hearing Board and alternates will serve one-year terms. Members may serve a maximum of four consecutive terms.

*d. Sanctions:* the College Hearing Board may make recommendations of any sanction(s) provided in this policy to the Chief Student Affairs Officer or his/her designee.

## 3. College Appeals Board

*a. Jurisdiction:* the College Appeals Board considers appeals by involved student parties from sanctions imposed by the Hearing Officer or the Chief Student Affairs Officer or his/her designee. The College Appeals Board serves as the Hearing Body of original jurisdiction for an offense whenever the Chief Student Affairs Officer or his/her designee has imposed a summary suspension.

*b. Composition:* the College Appeals Board is composed of one student, one faculty member, and one administrator, none of whom are members of any other Hearing Board. The Chief Student Affairs Officer,

or his/her designee, also serves as non-voting Chair. The student member of the College Appeals Board is appointed by the Chief Student Affairs Officer or his/her designee from students nominated by the Student Government Association. The Chief Student Affairs Officer or his/her designee selects the administrator and the faculty member. One alternate for each member is appointed by the Chief Student Affairs Officer or his/her designee to serve in the absence of a regular member

- c. *Term of Office:* members and alternates of the College Appeals Board will serve two-year terms. Members may be appointed to consecutive terms at the discretion of the Chief Student Affairs Officer or his/her designee. Vacancies may be filled at any time.
- d. *Sanctions:* the College Appeals Board may make recommendations of any sanction(s) provided in this policy to the Chief Student Affairs Officer or his/her designee.

#### **Article V: Proscribed Conduct**

1. An act of academic or artistic dishonesty, including but not limited to cheating or plagiarism.
2. Furnishing false information in response to a request made by any College official.
3. Forgery, alteration, or misuse of any College document, record, or instrument of identification or papers (including all software and computer databases and/or systems and/or email).
4. Tampering with the election of any student organization.
5. Disruption or obstruction of teaching, research, administration, hearing proceedings, or other College activities, including public service functions on and off campus or other authorized, non-College activities occurring on the College premises.
6. Attempted or actual theft of and/or damage, by intent or negligence, to property of the College or property of a member of the College community, or other personal or public property; possession of property stolen from the College or any of its members or visitors.
7. Failure to comply with directions of College officials or law enforcement officers acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so.
8. Unauthorized possession, duplication, or use of keys to any of the College premises, or unauthorized entry to or use of College premises.
9. Violation of published College policies, rules, or regulations, including but not limited to, this Student Code of Conduct, the "Massachusetts College of Art Electronic Mail, Internet and Telecommunications/Voicemail Policy", Residence Hall Occupancy Agreement, Residence Hall Handbook, fire safety regulations, parking policies, College Alcohol and Drug policies, and any other College policy.
10. Violation of federal, state, or local law while on College premises or at College sponsored or supervised activities.
11. Use, possession, or distribution of alcoholic beverages (except as expressly permitted by Massachusetts State law and College regulations), or public intoxication.
12. Theft or other abuse of computer time, including but not limited to:
  - Unauthorized entry into a network and/or to access a file to use, read, or change the contents, or for any other purpose.
  - Unauthorized duplication or transfer of a file.
  - Unauthorized use of another individual's identification and/or password.
  - Use of computing facilities to interfere with the work of another student, faculty member or College official, locally or someone in the internet.
  - Interference with normal operation of the College's network or computing system or any other in the internet.
13. Abuse of the Hearing System, including but not limited to:
  - Failure to obey the summons of a Hearing Officer or

Body.

- Falsification, distortion, or misrepresentation of information before a Hearing Body.
  - Disruption or interference with the proceedings of a hearing.
  - Alleging misconduct knowingly without cause.
  - Attempting to influence the impartiality of a member of a Hearing Body prior to, and/or during the course of, the hearing proceeding.
  - Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
  - Influencing or attempting to influence another person to commit an abuse of the hearing system.
14. Conduct which is disorderly, lewd, or indecent; breach of the peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College.
  15. Use or possession of illicit drug paraphernalia; and/or use, possession, distribution or being under the influence of narcotics or other controlled substances except as expressly permitted by law.
  16. Harassment, that is, verbal or physical behavior directed at another person, including behavior based on gender, sexual orientation, race, ethnicity, religion, or disabilities, which is intended to cause another person injury or otherwise impair his or her ability to enjoy activities or benefits of the College.
  17. Use, possession, or carrying of firearms (for the purpose of this section, "firearm" shall mean any pistol, revolver, rifle, or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means), incendiary devices, smoke devices, hunting or assault knives, explosives, or other dangerous weapons while on College premises or at a College sponsored event.
  18. All forms of sexual assault, sexual imposition, and sexual harassment on any person.
  19. Charged by indictment or otherwise or conviction by a court of law of or for a crime the nature of which constitutes a direct threat to the College or to any member of the College community.
  20. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.

#### **Article VI: Academic Misconduct Procedures**

A faculty member who suspects academic misconduct in work submitted to that faculty member in fulfillment of a class requirement should confer with the student submitting the work in an attempt to determine whether a violation has occurred.

The faculty member has the discretion to accept the work as academically and/or artistically honest, or to resolve the issue as a classroom issue, or to refer the matter to the Department Chair.

In the event the student does not concur with the disposition proposed by the faculty member, the student may refer the matter to the Department Chair.

If the matter is referred to the Department Chair, the Chair and faculty member will meet with the student to pursue information that may be pertinent.

In the event that the Chair and faculty member determine that a violation has occurred, they will review the student's educational record to determine if a prior sanction for academic misconduct has been imposed and may impose one or more of the following sanctions:

- The student must redo the assignment or retake the test.
- The student receives no credit for the plagiarized assignment.
- The student fails (or receives no credit) for the class.
- The student is referred to the Vice President for Academic Affairs for further academic sanction.

The Chair will inform the student, in writing, of the finding and the sanction imposed. If the sanction imposed is failure (or no credit) for the class, the Chair's letter to the student constitutes a letter of reprimand. A copy of any letter of reprimand is retained by the College as a component of the accused student's educational record.

An academic sanction imposed or approved of by the Academic Vice President is not subject to further review or appeal.

If just cause is determined by the Academic Vice President in consultation with the Department Chair and the faculty member, the matter may also be referred by the Academic Vice President to the Chief Student Affairs Officer to be dealt with as a disciplinary matter under the general provisions of this Code of Conduct.

## **Article VII: Hearing Process**

### 1. Charges and Hearings

Any member of the College community may file a complaint against any student for misconduct. Complaints must be prepared in writing and directed to the Chief Student Affairs Officer or his/her designee. A complaint should be submitted as soon as possible after the event takes place, preferably within thirty (30) days.

The Hearing Officer may conduct an investigation to determine if the complaint has merit and/or if it can be resolved by mutual consent of the parties involved on a basis acceptable to the Hearing Officer. Such disposition shall be final and there will be no subsequent proceedings.

All complaints are to be presented to the accused in written form. The accused may choose not to contest the charges, waive rights to a hearing, and request that the Hearing Officer issue a determination with appropriate sanction(s); in that event, the Hearing Officer's decision will in all respects be final and binding and will not be subject to appeal. Whether to accept a student's decision resolve a case in this fashion or require a hearing before the Hearing Board is the decision of the Hearing Officer.

If a hearing is requested before the Hearing Board, a time will be set for a hearing not less than five nor more than fifteen class days after the student has been notified of charges. Maximum time limits for scheduling of hearings may be extended at the discretion of the Hearing Officer.

### 2. Hearing Process

Hearings before the Hearing Board will be conducted under the following guidelines:

Hearings will normally be conducted in the open. Upon the request of the accused or complainant, however, the hearing will be closed. A verbatim record will be made of any hearing.

Admission of any person to a closed hearing will be at the discretion of the Hearing Officer or Board Chairperson. In the case of an open hearing, admission of any person will be unrestricted to any member of the College community.

In hearings involving more than one accused student, the Hearing Officer, at his or her discretion, will determine if hearings concerning each student will be conducted jointly or separately.

The accused has the right to be assisted by an advisor of his or her choice who must be a member of the College community (faculty, staff, or student). The advisor may assist the accused student in preparing a case, but the accused student must speak for him/herself. Under extraordinary circumstances (as determined by the Hearing Officer), the accused may also be accompanied to the hearing by legal counsel. The primary purpose of allowing legal counsel into the hearing is to safeguard the accused's rights at pending criminal proceedings. The counsel's function shall be limited to advising the accused on whether or not to answer questions and on what the accused should not say so as to safeguard the accused from self-incrimination. When the accused has professional legal counsel, the board may also secure legal counsel. The board may also permit the complainant to be accompanied by legal counsel. A written request to have legal counsel present at a hearing shall be made sufficiently in advance of the hearing (no later than five (5) class days before the hearing) so that a

request may be thoroughly considered, and if approved, other parties to the hearing may be offered the opportunity to obtain similar service. The request shall also include the name, address, and phone number of legal counsel.

On behalf of the College, the Chief Student Affairs Officer, or his/her designee, will present the facts and circumstances of a case before a Hearing Board.

Presentation of evidence shall generally proceed as follows:

- a. Complainant's opening statement and perspective
  - Questioning of complainant (Hearing Board and accused student(s))
- b. Accused student's opening statement and perspective
  - Questioning of accused (Hearing Board and complainant student(s))
- c. Statement from complainant's witnesses
  - Questioning of complainant's witnesses (Hearing Board and accused student(s))
- d. Statement from accused student's witnesses
  - Questioning of accused student's witnesses (Hearing Board and complainant student(s))
- e. Final questions from the Hearing Board.
- f. Complainant's closing statement
- g. Accused student's closing statement, including any statement as to mitigating circumstances

Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a Hearing Board at the discretion of the Chairperson.

All procedural questions are subject to the final decision of the Chairperson of the Hearing Board.

After the hearing, the Hearing Board will determine (by majority vote if the Hearing Board consists of more than one person) whether the student has violated each section of the Student Code of Conduct with which the student is charged. The Hearing Board's determination shall be made on the basis of whether there is a preponderance of evidence that the accused student violated the Student Code of Conduct.

If a Hearing Board determines that the Student Code of Conduct has been violated, the Hearing Board must recommend an appropriate sanction. In doing so, the Hearing Board may consider the past record of the student.

Recommendations of sanctions from the Hearing Board are made to the Chief Student Affairs Officer or his/her designee. The Chief Student Affairs Officer or his/her designee will then issue a sanction.

3. No student may be found to have violated the Student Code of Conduct solely because the student failed to appear before a Hearing Board. In all cases, the evidence in support of the charges shall be presented and considered.
4. A student who files a disciplinary complaint that results in the Hearing Officer bringing College charges of code violation #18 (all forms of sexual assault) has the following rights within the College conduct system:
  - The right to be kept informed of the status of proceedings throughout the process.
  - The right, in all disciplinary hearings and proceedings, to have the presence of an advocate, support person, counselor, or advisor as long as this person is a member of the College community (faculty, staff, student). This person may consult with the student but not participate directly in the hearing.
  - The right to remain present throughout the disciplinary hearing, excluding board deliberations.

- The right to submit, orally or in writing, a victim impact statement to any Hearing Body.
  - The right to have past unrelated behavior excluded from any hearing.
  - The right to be informed of the outcome of the disciplinary hearing.
5. The Hearing Officer serves as the liaison with students who have been placed on probation.
  6. The Chief Student Affairs Officer or his/her designee serves as the liaison with students who have been separated from the College and is responsible for informing the students of the procedure for reinstatement.

### **Article VIII: Sanctions**

The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct. Multiple sanctions may be imposed for a single violation. Under the guidelines established by the Board of Higher Education, the third offense of underage possession or consumption of any alcoholic beverage results in expulsion from the institution.

#### **When any student who is under 21 years of age is found responsible for violating alcohol and other drug policies, the College may, in its discretion, notify parents or legal guardians.**

1. Warning: A written notice that the student is violating or has violated institutional regulations.
2. Decertification: Loss of charter issued by SGA.
3. Probation: A more severe sanction than warning. Probation is for a designated period of time and includes the probability of more severe sanctions if the student is found to be violating any institutional policy during the probationary period. The student must demonstrate the ability to comply with rules and other requirements stipulated for the probationary period.
4. Loss of Privileges: Denial of specified privileges for a designated period of time.
5. Restitution: Compensation for loss, damage, or injury to an individual, a group, or the College for which the student was found responsible, whether intentionally or accidentally. This sanction may take the form of appropriate service and/or monetary or material replacement.
6. Discretionary Sanctions: Work assignments, service to the College, or other related discretionary assignments (such assignments must have the prior approval of the Hearing Officer).
7. Relocation/Suspension from Residence Hall/Loss of Residence Hall Privileges: Precludes a student from remaining in a particular residence hall for a specified period of time. Prevents a student from remaining in any College housing for a specified period of time. Precludes a student from visiting a certain residence hall(s) for a specific period of time.
8. Drug and/or Alcohol Treatment: Requires that a student undergo professional assessment and, if indicated, treatment for drug or alcohol addiction pursuant to a recognized addiction intervention program.
9. Deferred Suspension: Under certain circumstances, a suspension may be deferred until the end of the semester. If a student is again found guilty of violating a College rule or regulation during the deferral period, suspension takes effect immediately.
10. Residence Hall Expulsion: Permanent separation of the student from the residence hall(s).
11. College Suspension: Student is denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible for a specified period of time. Conditions for re-admission may be specified.
12. College Expulsion: Permanent separation of the student from the College.

### **Article IX: Summary Suspension**

1. In certain circumstances, the Chief Student Affairs Officer, or a designee, may summarily impose a College or residence hall suspension prior to the hearing before a Hearing Board. Whenever feasible the Chief Student Affairs Officer or his/her designee, shall afford the student an opportunity to be heard before imposing a summary suspension.
2. Summary Suspension may be imposed only:

- to ensure the safety and well-being of members of the College community or preservation of College property.
- to ensure the student's own physical or emotional safety and well-being.
- if the student poses a definite threat of disruption of or interference with the normal operations of the College.

3. During the Summary Suspension, the student is denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Chief Student Affairs Officer or his/her designee may determine to be appropriate.

4. Whenever the Chief Student Affairs Officer or his/her designee summarily suspends a student, a prompt hearing will be held by the Hearing Board in accordance with the procedures set out in Article VII.

#### **Article X: Appeals**

1. A party to a hearing conducted by the College Hearing Board may file an appeal to the College Appeals Board.

2. An appeal hearing is limited to a review of the initial hearing and supporting documents for one or more of the following purposes:

- To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures, giving the parties a reasonable opportunity to prepare and present.
- To determine whether the decision reached regarding the accused party was based on the weight of the evidence, that is, whether the evidence in the case demonstrated that it was more likely than not that a violation of the Student Code of Conduct occurred.
- To determine whether the sanction(s) imposed was appropriate to the violation of the Student Code of Conduct. Only an accused student can use this as a basis for appeal.

3. In all cases, a detailed, written appeal must be submitted within five (5) class days after written notification of the sanction. The student must write an appeal letter that specifically addresses the reason for the appeal. The written appeal must be sent to the attention of the Hearing Officer and directed to the College Appeals Board. The Hearing Officer is responsible for forwarding the written appeal.

4. The College Appeals Board, within five (5) class days of receiving the appeal, makes a decision whether the appeal shall be heard based on the detailed written appeal and informs the Hearing Officer, who notifies the student on the status of the case.

5. In the event a request for an appeal hearing is granted, parties to the original hearing are informed of the time and place of the appeal hearing and may attend it.

6. The College Appeals Board may affirm or reverse the decision of the Hearing Board and may make to the Chief Student Affairs Officer or his/her designee a recommendation that the sanction be altered. Subject to the Hearing Officer's final decision concerning any sanction, the decision of the College Appeals Board is final.

7. Following receipt of the College Appeals Board's recommendation concerning any sanction, the Chief Student Affairs Officer or his/her designee will issue a sanction. This sanction is the final disposition of the matter. There are no appeals allowed of this sanction.

8. When in cases of Summary Suspensions the College Appeals Board serves as the Hearing Body of original jurisdiction, a party to the hearing conducted by the College Appeals Board may file an appeal with the President of the College or his/her designee in accordance with the provisions of the Article X.

#### **Article XI: Disciplinary Records**

All records of misconduct are maintained confidentially in the Division of Student Development. In cases that involve suspension or expulsion, the action is also recorded on the student's academic transcript.

No one outside the institution has access to a student's record of



misconduct nor does the Division of Student Development disclose any information in these records without the express written consent of the student involved except as provided in the "Family Rights and Privacy Act of 1974".

Students wishing to review their records of misconduct may do so by making a written request to the Office of Student Development. Records are made available within seven days from the date of request.

Students who believe that their records of misconduct contain information that is inaccurate, misleading, or otherwise in violation of their privacy or other rights should follow procedures described in the "Family Rights and Privacy Act of 1974" in order to correct them.

Misconduct records are retained until two years after the date of the student graduation or, in the case of withdrawals, the date the student would have normally graduated and then destroyed at the end of the next semester in which the date falls. Records of suspensions and expulsion are retained indefinitely.

#### **Article XII: Arbitration and Mediation**

In cases which do not involve a violation of the Student Code of Conduct, a Hearing Body may serve as arbiter of disputes within the student community. All parties must agree to arbitration and to be bound by the decision of the Hearing Body with no right of appeal.

In lieu of adjudication by a Hearing Body, members of the College community may choose mediation conducted by a neutral third party to help resolve disputes, leaving final resolution in the hands of the disputing parties. All parties, including the Hearing Officer, must agree to this. The purpose of mediation is not to judge guilt or innocence, but to help parties get to the root of their problems and to devise their own solutions. If a satisfactory agreement cannot be reached through mediation, the complainant may refer the complaint to the Chief Student Affairs Officer or his/her designee for hearing. Students interested in pursuing mediation should contact the Chief Student Affairs Officer or his/her designee in the Division of Student Development.

#### **Article XIII: Interpretation and Revision**

Any question of interpretation regarding the Student Code of Conduct shall be referred to the Chief Student Affairs Officer, or designee, for final determination.

The Student Code of Conduct shall be reviewed at least every 3 years under the direction of the Chief Student Affairs Officer or his/her designee. This review will be conducted in accordance with the College's governance procedures.

**Approved:** Massachusetts Collge of Art Board of Trustees 6/2000

**Amended:** Massachusetts College of Art Board of Trustees 6/2001

**Revised:** Massachusetts College of Art Board of Trustees 6/2003

**Approved:** Massachusetts College of Art Board of Trustees  
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