

## CODE OF STUDENT CONDUCT

Every community has certain regulations and traditions governing the behavior of its members in order to insure the basic rights of individuals as well as to reflect the practical necessities of the community. A College community is no exception and, perhaps more than others, depends upon members who are mature and have a sense of responsibility. New England College expects students to be mature, honest, and responsible members of the College and the larger community. Any behavior which infringes upon the rights, safety, property, and privileges of another person or which impedes the educational process of New England College is unacceptable. Physical violence and personal abuse of others represents behavior that is not conducive to an educational environment and will not be tolerated.

These regulations and judicial procedures are designed to promote the interests of the community and its members so that the educational process may proceed without impairment. College judicial hearings are non-criminal and informal. They are conducted in a manner so as to be fundamentally fair without being unduly restricted by rules of procedure or evidence. Excessive legalism can be a disservice to the College and its community of students, faculty, and staff.

### Article I: Definitions

1. The term "College" means "New England College."
2. The term "student" includes all persons taking courses at the College, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College, or who have been notified of their acceptance for admission are considered "students", as are persons who are living in College residence halls even if they are not currently enrolled in this institution. This Student Code applies at all locations, including the College's on-line programs.
3. The term "faculty member" means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
4. The term "College official" includes any person employed by the College, performing assigned administrative or professional responsibilities.
5. The term "member of the College community" includes any person who is a student, faculty member, College official or any other person employed by the College. A person's status in a particular situation shall be determined by the Office of Registrar and/or the Office of Human Resources.
6. The term "College premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, including adjacent streets and sidewalks.
7. The term "organization" means any number of persons who have complied with the formal requirements for College recognition.
8. The term "Judicial Board" means any three or more persons authorized by the Dean of Students to determine whether a student has violated the Student Code of Conduct and to recommend sanctions that may be imposed when a rules violation has been committed.
9. The term "Dean's Hearing Panel" means any group of three people, consisting of the Dean of Students (or designee), one student member, and one faculty or staff member, authorized to determine whether a student has violated the Student Code of Conduct and to identify sanctions that may be imposed when a rules violation has been committed.
10. The term "Judicial Officer" means a College official (e.g. Area Coordinator) authorized on a case-by-case basis by the Dean of Students to impose sanctions upon any student(s) found to have violated the Student Code. The Dean of Students may authorize a Judicial Officer to serve simultaneously as a Judicial Advisor and as one of the members of the Judicial Board.
11. The term "Appeals Board" means any two or more persons authorized by the Dean of Students to consider an appeal from a Board/Panel/Dean's determination as to whether a student has violated the Student Code or from the sanctions imposed by the Dean of Students or designee.
12. The term "Judicial Conference" shall refer to a meeting between one or more Judicial Officers and a student (or students) reported to have been in violation of College policy. Information at this conference shall be used to help the Officer(s) come to decisions regarding any possible policy violations and any appropriate sanctions. Sanctions from these conferences can include in any sanction up to a Residence Hall Suspension.
13. The term "Judicial Hearing" shall refer to any meeting in which a Dean (or Designee), Judicial Board, or Dean's Hearing Panel hear information regarding alleged policy violations and come to decisions regarding

these violations and any appropriate sanctions. Sanctions from these hearings can include any sanctions, up to and including expulsion from the College.

14. The term “shall” is used in the imperative sense.
15. The term “may” is used in the permissive sense.
16. The Dean of Students is that person designated by the College President to be responsible for the administration of the Student Code.
17. The term “policy” means the written regulations of the College as found in, but not limited to, *The Compass*, the Student Code of Conduct, the College web page and computer use policy, and Graduate/Undergraduate Catalogs.
18. The term “cheating” includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
20. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
21. The term “Complainant” means any person who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as provided to the Complainant, even if another member of the College community submitted the charge.
22. The term “Charged Party” means any student accused of violating this Student Code.
23. The term “Judicial Advisor” means the Associate Dean of Students or designee. The role of the Judicial Advisor is to conduct hearings according to pre-established format, to maintain appropriate decorum during the hearing, and to oversee day-to-day administration of the student conduct system.
24. The term “Witnesses” means individuals with direct or indirect knowledge of a given incident or case, chosen by the Charged Party, victim and/or presenter and deemed appropriate by the Associate Dean of Students. Numbers of witnesses may be limited by the Associate Dean of Students. The role of a witness is to offer testimony when solicited relating to specific incident(s) under consideration.
25. The term “Character Witness” means individuals from the College community who has substantial knowledge about a Charged Party. The role of a Character Witness is to give reference to the behavior or character of accused individual apart from specific incident under consideration, i.e., academic performance, etc. Students are allowed to bring up to two people to a hearing to serve as Character Witnesses, and can submit additional character witness statements in writing at their hearing. In cases where a charged party feels that the appearance of more than two character witnesses at their hearing would be appropriate, a request can be made to the Judicial Advisor to bring additional witnesses.
26. The term “Presenter” means a member of the Student Development or Campus Safety Staff selected by the Associate Dean of Students to attend a hearing and review incident reports and other evidence pertinent to the disposition of the case at hand. The Presenter may offer recommendations for sanctions during the final summary. The Presenter may question the Charged Party and Witnesses. There may not be a presenter at all hearings. The Judicial Advisor may choose someone who is a member of the College community to read the basis of the charges in cases where the Presenter is not necessary, or may read the basis of the charges him/herself.
27. The term “Charged Party’s Advisor” means a member of the College community (faculty, staff or student) chosen by the Charged Party to provide advice and support to the Charged Party during the hearing. Advice will be limited to written and oral communication with the Charged Party. The advisor may not address the Board/Panel/Dean except in the role of character witness or to seek clarification of procedures.
28. The term “Victim Advocate” means a member of the College community (faculty, staff, or student) chosen by the victim to assist the victim/survivor through any and all procedural phases involving the victim/survivor, at the victim/survivor’s request. Assistance provided by the advocate may include advice, counsel, and psychological support. The Advocate may also speak for the victim/survivor during hearings and/or appear in the victim/survivor’s stead, when approved by the Judicial Advisor. (Note: for more information, please see Policy on Sexual Misconduct/Sexual Assault)

## Article II: Authority

1. The Dean/Associate Dean of Students shall determine the composition of Judicial Boards, Dean's Panels, and Appeals Boards and determine which Judicial Board, Dean's Panel, Dean, Judicial Officer and Appeals Board shall be authorized to hear each case. Cases involving sexual assault, rape, sexual harassment, and other similar violations will typically be addressed in a Dean's Hearing; in these cases, the alleged victim/survivor will be asked for input regarding the type of hearing to be used.
2. The Dean/Associate Dean of Students shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Judicial Board Hearings that are not inconsistent with provisions of the Student Code of Conduct.
3. Decisions made by a Judicial Board, Dean's Panel, Dean, and Judicial Officer shall be final, pending the normal appeal process.
4. The notice of the scholastic and behavioral standards to the students may be written or oral, or partly written and partly oral, but preferably written. The standards may be positive or negative in form. For this reason, general affirmative statements of what is expected of a student may in some areas be preferable in higher education. Such affirmative standards may be employed, and discipline of students based thereon.

## Article III: Policies

### A. Jurisdiction of Student Code

The Student Code of Conduct shall apply to conduct that occurs on College premises, at College-sponsored activities, and to off-campus or on-line conduct that adversely affects the College Community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean/Associate Dean of Students shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

### B. Proscribed Conduct

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

1. Acts of dishonesty, including but not limited to the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty.
  - b. Furnishing false information to any College official, faculty member, or office.
  - c. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
  - d. Use of a deliberate, untrue, and derogatory statement to harm another person's (or persons') reputation
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.
3. Physical assault, physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person or group of people.
4. Unwanted sexual contact, sexual intercourse/sexual relations without consent, sexual assault and sexual harassment. These violations include any cases where the alleged victim was intoxicated or otherwise unable to give consent
5. Hate crimes or bias incidents involving actions taken against another because of bias against their race, color, sex, age, religion, sexual orientation, native language, social/organizational affiliation, ethnic origin, or disability.
6. Attempted or actual theft of and/or damage to property or services of the College or property or services of a member of the College community or other personal or public property, on or off campus. This may include unintentional, reckless damage to College or personal property.
7. 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. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule. (Note: for more information, please see Policy on Hazing)

8. Failure to comply with directions of College officials (including Resident Advisors) or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
9. Unauthorized possession, duplication or use of keys or combination locks to any College premises or unauthorized entry to or use of College premises (including entry into any office or residence hall room without permission), or lending/giving a student identification card to another student or a non-student.
10. Violation of any College policy, rule, or regulation published or posted in hard copy or available electronically on the College website.
11. Violation of any federal, state, or local law or any town ordinance.
12. The usage (including but not limited to consumption, injection, smoking/inhalation, etc.), manufacture, possession, or distribution of illegal drugs or significantly mind-altering substances, pharmaceutical and otherwise, (including salvia divinorium, medical marijuana, and synthetic forms of banned substances, including but not limited to, K2, Spice, Black Magic, etc.); inappropriate/illegal use or distribution of any pharmaceutical product; or possession of drug paraphernalia, including bongos.
13. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age. This includes unauthorized use or possession of large quantities of alcohol on College property (e.g., beer kegs or other common source containers).
14. Illegal or unauthorized possession of firearms, explosives (including fireworks), other weapons (see "Weapons Policy" in *The Compass* for a more detailed list), or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
15. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
16. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions.
17. Conduct that is disorderly, lewd, inappropriate, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises, off campus, or at functions sponsored by, or participated in by, the College or members of the academic community.
18. Any unauthorized use of electronic or other devices to make an audio or video record of any person without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
19. Theft or other abuse of computer facilities and resources, including but not limited to:
  - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Use of another individual's identification and/or password.
  - d. Use of computing facilities and resources to interfere with the work of another student, faculty member or official.
  - e. Use of computing facilities and resources to send obscene or abusive messages.
  - f. Use of computing facilities and resources to interfere with normal operation of the College computing system.
  - g. Use of computing facilities and resources in violation of copyright laws.
  - h. Any violation of the College Computer Use Policy.
20. Abuse of the Student Conduct System, including but not limited to:
  - a. Falsification, distortion, or misrepresentation of information before a Judicial Board.
  - b. Disruption or interference with the orderly conduct of a Judicial Board proceeding.
  - c. Institution of a student conduct code proceeding in bad faith.
  - d. Attempting to discourage an individual's proper participating in, or use of, the student conduct system.
  - e. Attempting to influence the impartiality of a member of a Judicial Board or Dean's Panel prior to, and/or during the course of, the Judicial Board proceeding.

- f. Harassment (verbal or physical) and/or intimidation of a member of a Judicial Board or Dean's Panel prior to, during, and/or after a student conduct code proceeding.
  - g. Failure to comply with the sanction(s) imposed under the Student Code.
  - h. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
21. Students are required to engage in responsible social conduct that reflects credit upon the College community and to model good citizenship in any community.
  22. Intentionally or recklessly starting a fire, attempting to start a fire, or burning/charring/singeing any College property.
  23. Intentionally misusing or damaging fire safety equipment, or intentionally initiating or participating in any false report, warning, or threat of fire or other emergency.
  24. Being present during the planning or commission of any violation of the Code of Student Conduct in such a way as to condone, support, or encourage that violation. Students who anticipate or observe a violation of the Student Conduct Code are expected to remove themselves from association or participation and are encouraged to report the violation.

C. Violation of Law and Student Code

1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students. In most cases, it is preferable for the College to proceed immediately with disciplinary proceedings. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the College may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
3. It should be noted that felonies and other acts of an equally serious nature, whether committed on or off campus, are felt to be inconsistent with the College's standards and educational goals and to reflect in a negative manner upon the College. Therefore, students who have been charged with such acts may be subject to immediate suspension, dismissal and/or other sanctions to be determined by the Dean of Students.

Article IV: Procedures, Sanctions and Appeals

A. Charges and Judicial Board Hearings

1. Any judicial process must begin with a complaint from a community member or a report from a College department/staff member. Any member of the College community may file a complaint against a student for violations of the Student Code. A complaint shall be prepared in writing and directed to the Dean/Associate Dean of Students. Any charge should be submitted as soon as possible after the event takes place, preferably within five working days.
2. The College may conduct an investigation to determine if a complaint or report has merit. If the reported issue is between two College community members, it can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Dean/Associate Dean of Students. Such disposition shall be final and there shall be no subsequent proceedings. If, in the opinion of the parties involved or in the opinion of the Dean/Associate Dean of Students, the charges cannot be settled without a judicial process, the matter will be referred for a Judicial Conference or Judicial Hearing. If the student admits to violating institutional rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).

3. All charges shall be presented to the Charged Party in written form. A time shall be set for a Hearing, not less than two business days and no more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of Judicial Board Hearings may be extended at the discretion of the Judicial Advisor.
4. Rights of students involved with formal hearings:
  - a. The presumption of innocence until found responsible for any policy violations
  - b. The right to have their case processed without prejudicial delay.
  - c. Notice of the charges at least 48 hours before the scheduled hearing. Normally such notice will be written, although unusual circumstances may require temporary verbal notification. E-mail communication is considered written communication for the purposes of this process.
  - d. Written notice of the time, place and date of the hearing, in advance. E-mail communication is considered written communication for the purposes of this process.
  - e. The right to be assisted in their defense by any willing member of the College community of their choosing, as long as there is no conflict of interest with the potential Advisor.
  - f. The right to respond to any information presented at their hearing, to produce witnesses on their behalf, and to present evidence.
  - g. In most cases, the right to confront any witnesses appearing at the hearing. Under circumstances in which a witness is unable to appear or (in the opinion of the Dean/Associate Dean of Students) when such appearance would endanger or cause unnecessary psychological stress to the witness, the presenter may enter evidence on behalf of the witness without the witness present. In extreme cases of potential threat to or abuse of the witness, the name of the witness may also be excluded from testimony (e.g., Jane Doe cases).
  - h. Written notice of hearing decision and sanctions.
  - i. The right to appeal except where noted.
5. Hearings shall be conducted according to the following guidelines:
  - a. Hearings normally shall be conducted in private, with any persons not part of the process allowed in at the discretion of the Judicial Advisor.
  - b. The Complainant, Charged Party and their advisors, if any, shall be allowed to attend the entire portion of the Hearing at which information is received (excluding deliberations). Admission of any other person to the Hearing shall be at the discretion of the Judicial Advisor.
  - c. In Hearings involving more than one Charged Party, the Judicial Advisor, in his or her discretion, may permit the Hearings concerning each student to be conducted either separately or jointly.
  - d. The Complainant and the Charged Party have the right to be assisted by an advisor they choose, at their own expense. The advisor must be a member of the College community and may not be an attorney. The Complainant and/or the Charged Party is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any Hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
  - e. The Complainant, the Charged Party, and the Judicial Advisor or designee may arrange for witnesses to present pertinent information to the Board/Panel/Dean. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the Complainant and/or Charged Party at least two weekdays prior to the Hearing. Witnesses will provide information to and answer questions from the Board/Panel/Dean, and may also be asked questions by the Charged Party and the Presenter. In the event that direct questioning between parties may become adversarial, intimidating, or cause either party emotional distress, questions may be submitted to the Judicial Advisor and s/he will ask the questions of the witness. Questions of whether potential information will be received shall be resolved in the discretion of the Judicial Advisor.
  - f. Pertinent records, exhibits, and written statements (including Incident Reports) may be accepted as information for consideration by a Board/Panel/Dean at the discretion of the Judicial Advisor.
  - g. All procedural questions are subject to the final decision of the Judicial Advisor.
  - h. After the portion of the Hearing concludes in which all pertinent information has been received, the Board/Panel/Dean shall determine (by majority vote in the case of a Board or Panel) whether the Charged Party has violated each section of the Student Code which the student is charged with violating.

- i. The Board/Panel/Dean's determination shall be made on the basis of whether it is more likely than not that the Charged Party violated the Student Code. The standard of proof for all College judicial hearings is preponderance of evidence ("more likely than not").
    - j. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings.
  6. There shall be a single verbatim record, such as a tape recording, of all Hearings (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the College, and will be erased or otherwise destroyed after any potential appeals process has ended.
  7. All hearings will be conducted with the following format. Deviations from this format will be allowed with the Charged Parties consent.
    - a. Introduction to hearing
      - i. Purpose of hearing
      - ii. Philosophy of Campus Judicial System
      - iii. Format of hearing
    - b. Introduction of Board/Panel Members or Dean
    - c. Introduction of participants:
      - i. Charged Party
      - ii. Presenter
      - iii. Witnesses and Character Witnesses
    - d. Charges brought and Charged Party responses entered. Judicial Hearing Panel Chair or Judicial Advisor reads charges and asks for a plea of "Responsible, Not Responsible or Responsible with an explanation" to each charge
    - e. Presentation of case by Presenter. Presenter reviews incident reports and other information that makes up the basis of the charges. After presentation, the Charged Party and the Board/Panel/Dean may ask questions for purposes of clarification.
    - f. Presentation of the case by Charged Party. Charged Party can respond to previously entered information and make a statement, if necessary. Presenter and Board/Panel/Dean may ask clarification questions as needed.
    - g. Testimony from Witnesses:
      - i. Witnesses testify
      - ii. Charged Party, Presenter, and Board/Panel/Dean may ask questions.
    - h. Questioning of Charged Party by Presenter and Board/Panel/Dean.
    - i. Testimony from Character Witnesses (if applicable)
      - i. Character Witnesses called in to make statement on Charged Party's character
      - ii. Board/Panel members or Dean may question Character Witnesses
    - j. Final Remarks and Sanction Recommendations
      - i. Final Remarks by Presenter
      - ii. Final Remarks by Charged Party
8. If a Charged Party, after sufficient notice, does not appear at their Hearing, the information in support of the charges shall be presented and considered even if the Charged Party is not present. In some cases, Charged Parties may choose to attend their hearing but, either by personal choice or at the advice of counsel, not make any statements. A Charged Party's absence or decision not to fully participate in the hearing process will not be seen in a pejorative sense.
9. The Judicial Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Charged Party, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, Skype, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of Dean/Associate Dean of Students.

## B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
  - a. Administrative Sanctions:
    - i. Reprimand – A reprimand is a notice that a student has been in violation of a New England College policy. Students receiving a reprimand are expected to carefully review all College policies and are notified that repeated violations will result in additional sanctions.

- ii. Warning – A Warning is a status that reflects a student’s repeated violation of policy or involvement in a serious single violation. Students who have received a warning face probation status if they are involved in additional violations of policy. Parent contact may take place at this level.
  - iii. Probation – Probation status indicates that a student’s actions have placed her/his status at the College in jeopardy. Parents are notified, as allowable by FERPA, in all Probation cases. Housing selection priority may be affected.
  - iv. Suspension – Separation from the College for a period of time to be determined by the Board/Panel/Dean. Students may be required to complete certain requirements (e.g. completion of off-campus treatment program) before being allowed back from a suspension.
  - v. Expulsion--Permanent separation of the student from the College.
- b. Residence Hall Sanctions
- i. Residence Hall Probation – Residence Hall Probation is a written reprimand for a designated period of time and includes the probability suspension from residence halls (either short- or long-term) if the student is found to violate any institutional regulation(s) during the probationary period.
  - ii. Residence Hall Suspension--Separation of the student from the residence halls for a period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - iii. Residence Hall Expulsion--Permanent separation of the student from the residence halls.
- c. Additional Sanctions
- i. Loss of Privileges--Denial of specified privileges for a designated period of time.
  - ii. Fines--Previously established and published fines may be imposed.
  - iii. Restitution--Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - iv. Educational Sanctions—include, but not limited to, Work assignments, essays, service to the College, or other related discretionary assignments.
  - v. Revocation of Admission and/or Degree--Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - vi. Withholding Degree—The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
  - vii. Dean’s Hold – A hold may be placed on any student’s account pending their completion of any of the above-listed sanctions.

*Note:* More than one of the sanctions listed above may be imposed for any single violation.

*Note also:* Any sanction may be “deferred” upon issuance, meaning that the sanction will remain in place without going into effect as long as the student completes certain conditions and/or remains free of any additional violations for a specified period of time.

*Note also:* When identifying an appropriate sanction, a Board/Panel/Dean/Officer will select the sanction that best reflects the seriousness of a given student’s violation, and may choose more serious sanctions without a student having previously been placed on a lower sanction. A student’s disciplinary history, including active sanctions, past sanctions, and previous incident reports, will be reviewed and taken into account prior to issuing sanctions for a current matter. In a hearing, prior judicial history will not be discussed until the sanctioning phase, unless the student agrees to have their judicial history considered at an earlier point in the process.

2. Other than College expulsion or revocation or withholding of a degree, disciplinary sanctions may not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, College suspension, College expulsion, or revocation or withholding of a degree, upon application to the Judicial Advisor. Cases involving the imposition of sanctions other than residence hall expulsion, College suspension, College expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record seven years after disposition of case.

3. In situations involving both a Charged Party(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Charged Party(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.
4. The following sanctions may be imposed upon groups or organization
  - a. Those sanctions listed above in article IV (B) (1).
  - b. Loss of selected rights and privileges for a specified period of time.
  - c. Deactivation. Loss of privileges, including College recognition, for a specified period of time.
5. In each case in which a Judicial Board or Panel determines that a student and/or group or organization has violated the Student Code, sanction recommendations will be made to the Dean of Students (or designee) for his./her final approval. In Dean's Hearings, the Dean shall determine final sanctions on his/her own. The Dean is not limited to sanctions recommended by members of the Judicial Board/Panel. Following the Hearing, the Judicial Advisor shall advise the Charged Party, group and/or organization (and a complaining student, when allowed by FERPA) in writing of its determination and of the sanction(s) imposed, if any.

### C. Interim Sanctions

Interim sanctions may be immediately imposed without a hearing if based on information available at the time it is determined that the student may be an endangerment to the safety or well being of them self or other members of the College community or disruptive to the College's educational processes. Whether or not interim sanctions are imposed is determined by the Dean of Students or designee in consultation with appropriate members of the College community. If the student is concerned about the appropriateness of the interim sanctions he/she may meet with the administrator who imposed the sanctions in order to provide additional information to be taken into consideration and ask to have the sanctions modified. If the student has met with the initial administrator and no modifications to the interim sanctions were made the student may contact the Student Development Office and request that the interim sanctions be reviewed by another administrator. Interim sanctions may be in effect until a judicial hearing for the alleged policy violation occurs and a final outcome is rendered. Interim sanctions are not formal judicial sanctions. Alleged policy violations that may result in interim sanctions include but are not limited to:

1. Sale or evidence of intent to sell drugs.
2. Instigating a riot or other highly disruptive behaviors
3. Arson or attempted arson.
4. Physical assault or attempted physical assault.
5. Sexual Assault, Rape, or other sexual misconduct.
6. Threat or Danger to Self.
7. Threat or Danger to Others.
8. Harassment.
9. Tampering with Fire Safety Equipment.

Interim sanctions may include but are not limited to:

1. If student is living on campus---relocation to another residential facility or removal from on-campus housing.
2. Ban from specified campus buildings, classes, areas on campus, or the entire campus property.
3. No contact with specified persons.

### D. Appeals

1. A decision reached by the Board/Panel/Dean or a sanction imposed by the Dean of Students may be appealed by the Charged Party(s) or Complainant(s) to an Appeals Board within two school days (48 hours) of the decision. Decisions made by Hearing Officers may be appealed to the Dean of Students within two school days (48 hours) of the decision. Such appeals shall be in writing and shall be delivered to the Judicial Advisor or his or her designee. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Hearing and/or supporting documents for one or more of the following purposes:
  - a. To determine whether the Hearing was conducted fairly and in conformity with prescribed procedures, giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code was violated, and giving the Charged Party a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

- b. To determine whether the decision reached regarding the Charged Party was based on substantial information; that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
  - d. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Judicial Board Hearing.
2. If an appeal is upheld (or approved) by the Appeals Board, the Appeals Board can take the following actions:
- a. Return the matter to the original Board/Panel/Dean for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s) or to allow for consideration of new information.
  - b. Refer the matter to a new Board/Panel/Dean in the event that the Appeal Board concludes that the initial Board/Panel/Dean would be biased or prejudiced.
  - c. Remove, add, or change any sanctions issued from the initial hearing process.
- If an appeal is not upheld (not approved), the matter shall be considered final and binding upon all involved.

#### Article V: Interpretation and Revision

- A. Any question of interpretation or application of the Student Code shall be referred to the Dean/Associate Dean of Students for final determination.
- B. The Student Code shall be reviewed annually under the direction of the Dean of Students.
- C. The framework for the New England College Code of Student Conduct was cited in the best practices model offered in *Navigating Past the "Spirit of Insubordination": A Twenty-First Century Model Student Conduct Code with a Model Hearing Transcript* by Edward Stoner and John Lowery, 31, *Journal of College and College Law* 1 (2004).
- D. New England College reserves the right to modify the procedures and the substantive provisions of the Code of Student Conduct at any time and for any reason without notice.