

# STUDENT HANDBOOK



**Westfield**  
STATE UNIVERSITY

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2023-2024

# TABLE OF CONTENTS



02	Table of contents
03	Message from the Dean of Students
04	The Owl Pledge
05	Student Conduct Regulations and Procedures Introduction
06	Student Conduct Regulations
11	Student Conduct Procedures
23	Acceptable Use of Information Technology Resources
29	Administrative Medical Leave of Absence
33	Alcohol and Other Drug Policy
43	Free Speech, Demonstration, Picketing Policy
46	Hazing Law
48	Housing Policy
67	Notification of Student Rights Under FERPA
70	Student Record and Privacy Regulations
78	Support Animal Policy
81	Student Travel Policy
82	Title IX Sexual Harassment Policy

# MESSAGE FROM THE DEAN OF STUDENTS



Welcome Westfield Students!

We are thrilled to have you!

While each of you are different and bring rich and varied experiences with you to this community, by the end of your time at Westfield you will have had several shared experiences—friendship, discovery, and enrichment. Know we are committed to providing you with an environment that aids you in these experiences as well as your academic pursuits and personal goals.

This commitment comes with shared responsibilities of collaboratively creating a sense of belonging, taking care of each other promoting an environment of positive well-being, and engaging in dialogue with respect and integrity. We ask that when these values fall short in our community, you challenge yourselves and each other to do better.

Being a part of this community is a privilege and engaging in it takes practice.

On the pages that follow are the expectations this community has of each other. As a member of this community, you are expected to embrace these expectations and review the accompanying policies. In the chance you fall short meeting these expectations, know we will surround you with support and educational opportunities to help you re-establish your academic focus and positive interactions with the community.

We look forward to all the positive and varied contributions you will bring to WSU!

Welcome to the nest!

Maggie Balch  
Dean of Students

# THE OWL PLEDGE

Being more than a collection of individuals, Westfield State University is a community dedicated to the pursuit of common goals. The Owl Pledge is a call to action, an invitation; a voluntary choice and opportunity to affirm our commitment to one another.

By committing to the community described below it will demonstrate commitment to other members of the Westfield State University community and remind us not only of what we are seeking to become, but of all that we share in common.

Westfield State University strives to be:

- An **Educational Community**: sharing academic goals in which students, faculty and staff work together to strengthen teaching and learning;
- An **Open Community**: uncompromisingly protecting freedom of thought, belief and expression;
- A **Civil Community**: expressing disagreements in rational and non-threatening ways and treating individuals with consideration, decency and respect;
- A **Responsible Community**: accepting obligations under clearly articulated principles of behavior designed to support common good;
- A **Safe Community**: respecting each other's rights, privacy and property;
- A **Healthy Community**: respecting honesty, integrity and fairness in both academic and extracurricular activities;
- An **Ethical Community**: reflecting honesty, integrity and fairness in both academic and extracurricular activities;
- A **Diverse Community**: celebrating our differences and learning from our diversity;
- A **Socially Conscious Community**: seeking to contribute to the betterment of the campus, the local community, the nation and the world; and
- A **Watchful Community**: remaining alert to the threats posed by hatred, intolerance and other injustices and ever-prepared to combat them.

# STUDENT CONDUCT REGULATIONS AND PROCEDURES INTRODUCTION

Westfield State University recognizes that the student, as an adult member of society and a citizen of the United States of America, is entitled to respect and consideration and has the right to the constitutionally guaranteed freedoms of speech, assembly and association. The University further recognizes the student's right within the institution to freedom of inquiry and to the reasonable use of services and facilities of the University which are intended for their education.

In the interest of maintaining order on the campus and guaranteeing the broadest range of freedom to each member of the community, some regulations have been developed by students, administrators, and faculty acting in concert. These regulations reasonably limit some activities and also proscribe certain behaviors which are harmful to the orderly operation of the University and the pursuit of its legitimate goals. All members of the community are to be held informed of the regulations which are printed in the Student Handbook, the Residential License Agreement, the Equal Opportunity, Diversity and Affirmative Action Plan, and other official publications.

Violations of the University regulations will be handled through the University disciplinary process, which is established to resolve complaints of non-academic student misconduct (Academic classroom misconduct may also be handled through Academic Affairs procedures.). The disciplinary procedure is designed to protect due process rights and to reach decisions that are in the best interest of both the student and the University. Students charged with misconduct are afforded the right to written notice of charges, right to a fair and impartial hearing, and right of appeal.

Exceptions to the disciplinary procedure described within are that allegations of discriminatory harassment (based on race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status) will be handled through the procedures described in the Equal Opportunity, Diversity, and Affirmative Action Plan. Violations including sexual harassment, sexual assault, dating violence, domestic violence, stalking and retaliation will be handled through the Title IX Sexual Harassment Policy, which is found in Appendix 7 of the Equal Opportunity, Diversity, and Affirmative Action Plan.

Violations of state and federal law will subject the violator to criminal and/or civil court procedures. Whenever any such violation of the law, whether committed on campus or off-campus, impinges on the integrity of the University's own rightful responsibilities and activities, the violator will not only be subject to civil and criminal court procedures, but will also be subject to the University disciplinary procedure. The University disciplinary policy in no way deprives a person who incurs injury or damages from seeking redress in the civil or criminal courts.

Actions taken under the Student Code of Conduct are administrative and not criminal in nature. A student can be found responsible under the Student Code of Conduct even if the conduct would not constitute a criminal offense. If a prosecutor has determined not to prosecute a case as a criminal matter or if the student was found "not guilty" in a criminal proceeding, the University may still hold the student accountable through the regulations and procedures found herein.

For further information about the University disciplinary process, contact the Student Conduct Office in the Ely Campus Center, Room 209.

## STUDENT CONDUCT REGULATIONS

The following regulations demonstrate conduct that is prohibited and will subject students to disciplinary action. Any serious criminal offense committed on campus shall also be subject to investigation and referral, as necessary, to the Massachusetts State Police and the Hampden County District Attorney's Office in addition to the University disciplinary system.

These regulations shall apply to all full-time and part-time students of the University. A student is defined as any individual currently admitted, registered or enrolled in any University academic course or academic program. For the purposes of these regulations, an individual is also considered a student if, at the time of the reported incident, they were admitted to, registered or enrolled in any University academic course or academic program.

Please note that any violation of the regulations described below (1-32), including, but not limited to, assault, threats, intimidation, harassment, physical abuse, verbal abuse, stalking of any nature that is motivated by an alleged victim's race, color, creed, religion, gender, national origin, sexual orientation, disability, gender identity, gender expression, genetic information, age, parental or marital status, or veteran status, as well as any acts of sexual misconduct will be handled under the Equal Opportunity, Diversity, and Affirmative Action Plan.

1.	Disruption of teaching, learning, research, administration, residence hall living environment, student conduct activities, or other related support activities that are recognized as necessary to the lawful mission of the University.
2.	Any violation of state, federal, or local law which coincidentally interfere with the legitimate aims, purposes, activities, and responsibilities of the University.
3.	Assaulting/placing another person in fear of imminent physical danger and/or striking any member of the University community, visitor, or guest.
4.	Physical fighting and/or any unauthorized mutual physical contact of any nature including pushing, shoving, wrestling, punching, and hitting, etc..
5.	Violations of the Title IX Sexual Harassment Policy, which is found in Appendix 7 of the Equal Opportunity, Diversity and Affirmative Action Plan including sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation.
6.	Physical abuse, verbal abuse, intimidation or threats to any member of the university community, visitor or guest.
7.	Harassing, intimidating, or bullying any member of the University community, visitor or guest. This includes verbal or physical conduct of a threatening, intimidating, or humiliating nature committed by any means such as orally, electronically, in writing, or through any social media.
8.	Causing physical harm or attempting to cause physical harm to oneself.

9.	Promoting or participating in hazing or other activities which cause undue physical or mental harm, duress, or humiliation to an individual. In accordance with Chapter 665 of the Massachusetts Acts of 1987, the organization of or participation in hazing is illegal. Hazing means any conduct or method of initiation into any student organization which willfully or recklessly endangers the physical or mental health of any student or other person. (see Hazing Law)
10.	Making or causing to be made bomb threats or false fire alarms, or maliciously or negligently causing fires.
11.	Knowingly damaging or tampering with fire detection or firefighting equipment or any part thereof such as pull stations, extinguishers, smoke and heat detectors, fire hoses, cabinets, and other encasements.
12.	Possession or use of firearms, explosives, fireworks, other similar materials, weapons, and/or potentially dangerous or lethal devices. Such other materials, weapons, and/or potentially dangerous or lethal devices shall include, but are not limited to, knives (kitchen utensils or jackknives used for lawful purposes are excluded), swords, nunchuks, brass knuckles, throwing stars, and guns of any nature including paintball guns, taser guns, pellet guns, and any gun having the capacity to shoot any kind of projectile.
13.	Unauthorized entry or presence in or on University buildings, rooms, areas or structures, or refusing to vacate such buildings, rooms, areas, or structures upon lawful request.
14.	Entry or presence in or on areas or structures not designed for public use.
15.	Cohabitation in University housing facilities. Cohabitation is defined as any unauthorized person residing in or attempting to reside in any University room, suite, apartment, or building.

16.	The theft, unauthorized taking or use, or possession of goods or property belonging to other persons or the State.
17.	Destruction, damage or abuse/misuse of the property of another or the State.
18.	Unlawful possession or use of drugs, controlled substances, or drug paraphernalia. Unlawful distribution or sale of drugs or controlled substances. (see Alcohol and Other Drug Policy)
19.	Failure to comply with University alcoholic beverages or smoke and tobacco regulations as published in this handbook. (see Alcohol and Other Drug Policy)
20.	Failure to comply with a University student conduct system order including failure to complete student conduct sanctions as assigned.
21.	Gambling, or any unlawful bookmaking or betting of any nature prohibited by state law.
22.	Falsification or aiding or abetting in the falsification of University records or the possession or use of false University records including, but not limited to, transcripts, grade reports, student identification cards or other forms of identification which the University deems necessary to achieve a lawful and legitimate purpose. Providing false information to or knowingly withholding information from any University official, office, or student conduct hearing panel.
23.	Failure to comply with a legitimate order of an officer of the University (faculty, administrative, security, or RA personnel), including, but not limited to, the failure to present proper identification upon the lawful request of an officer and interfering with staff in the performance of their duty.

24.	Acts of discrimination or discriminatory harassment based on race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status as published in the Equal Opportunity, Diversity, and Affirmative Action Plan.
25.	Violation of the Residential License Agreement as published by the Office of Residential Life, or any violation of residence hall regulations as published by the individual residence halls or the Office of Residential Life.
26.	Failure to comply with University and CDC guidelines as it relates to Public Health Crisis.
27.	Violation of Food Service policies or regulations as published by the Dining and Food Service management.
28.	Violation of University motor vehicle regulations as published by the Department of Public Safety.
29.	Violation of the Acceptable Use of Computer and Communications Equipment Policy and the Westfield State University Computing Resource Policy as published and made available by the Office of Information Technology.
30.	Violation of the Free Speech/Demonstration/Picketing Policy as published in the University's Policy manual.
31.	Violation of any other University policy as published in the University's Policy manual.
32.	Failure to properly supervise student or nonstudent guests/visitors. Residents will be held responsible for the behavior of their guests.

# STUDENT CONDUCT PROCEDURES

The following procedures, described in Section A-I below, will be used to adjudicate all Student Conduct violations, except for allegations of discriminatory harassment (based on race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status) will be handled through the procedures described in the Equal Opportunity, Diversity, and Affirmative Action Plan. Violations including sexual harassment, sexual assault, dating violence, domestic violence, stalking and retaliation will be handled through the Title IX Sexual Harassment Policy, which is found in Appendix 7 of the Equal Opportunity, Diversity, and Affirmative Action Plan.

## **A. Student Conduct Administration and Staff**

1. The responsibility for the management and administration of all nonacademic student discipline matters rests with the Dean of Students or their designee, referred to as the Student Conduct Officer. The Student Conduct Officer/designee shall process all disciplinary action against students who are alleged to have violated the Student Conduct Regulations.
2. The Student Conduct Officer may recruit and supervise undergraduate and graduate student interns, upon notification to the Student Government Association, whose duties shall include assisting and/or representing the Student Conduct Officer in the resolution of any student disciplinary matter.
3. The Dean of Students/designee shall have the authority to determine any given conduct matter whether the matter is heard before an administrative hearing officer or the Student Conduct Board. General Student Conduct Board procedures contained herein would apply to hearings conducted by an administrative hearing officer.

## **B. Student Conduct Board Membership and Term of Office Membership**

The Student Conduct Board, hereafter called the Board, shall be independent from other University organizations and committees at Westfield State University and shall be comprised of five (5) members, all of whom may hear a matter at any one time. A small pool of alternate members may be maintained and used as needed. The composition of the Board shall be three (3) students, one (1) administrator and one (1) faculty member.

### **Selection**

The members of the Board shall be approved by the Dean of Students as follows: three (3) student members appointed by the Student Government Association, one (1) administrator and one (1) faculty member appointed by their respective bargaining units. The Dean of Students may appoint members to the Board as needed if bargaining units do not put forth appointments as described above.

## **Chairperson**

The members of each Student Conduct hearing panel shall elect a student chairperson who shall preside over the student conduct hearing.

## **Quorum**

Each matter presented to the Board shall be heard by a panel of at least four (4) members, except in the case of a Protective Order, which shall be heard by a panel of at least three (3) members. In any given case, after notification by the Student Conduct Officer that a hearing panel quorum is unavailable, the Dean of Students/designee shall appoint a designated Hearing Officer, who will conduct the student conduct hearing and render decisions. The Officer hearing a case shall follow the general Student Conduct Board procedures and shall have the same decision making authority as the Board in all matters.

## **Term of Office**

The term of office for each member shall be one (1) year commencing with the first day of class scheduled by the University in September of each year.

## **Disqualification**

- No student may be a member of the Student Conduct Board and be a member of the Student Security or Resident Assistant staff concurrently.
- No administrator may be a member of the Student Conduct Board and be a member of the Residential Life or Public Safety staff concurrently.
- No member may serve on any panel deliberating any issue with respect to which the member is an interested party or witness to the matter being heard. No member may serve on any panel if they are biased in the matter. Determination of bias is to be made by the Dean of Students, and/or a majority vote of the Student Conduct Board hearing panel.
- A member's status shall be subject to review and a member may be removed by the Dean of Students, in agreement with the President of the respective recommending unit, if the member is found to be in violation of University regulations or if the member is not fulfilling the requirements of the position.

## **Jurisdiction**

The Board shall have jurisdiction in the following matters:

**Disciplinary Actions** – The Board shall have jurisdiction in matters involving violations by students of nonacademic regulations at the University. In any disciplinary action taken by the University against any student, the Board/Hearing Officer shall have sole jurisdiction except as provided in sections B, G, and K of this code. Exceptions to the disciplinary procedure are that allegations of discriminatory harassment (based on race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status) will be handled through the procedures described in the Equal Opportunity, Diversity, and Affirmative Action Plan. Violations including sexual harassment, sexual assault, dating violence, domestic violence, stalking and retaliation will be handled through the

Title IX Sexual Harassment Policy, which is found in Appendix 7 of the Equal Opportunity, Diversity, and Affirmative Action Plan.

- **Sanctioning Actions** – Whenever any student admits responsibility for any offense charged, a meeting to determine sanctions will be afforded the student with the Dean of Students/designee. Sanctions shall be assigned by the Dean of Students/designee in accordance with the guidelines for sanctions contained herein. Any student who does not admit responsibility for any offense charged will be forwarded to the Student Conduct Board as described above. Any student aggrieved by the decision regarding assigned sanctions may appeal said decision pursuant to the appeals guidelines outlined in Section I of this code.
- **Protective Orders** – Any individual who feels they are being intimidated or harassed by another individual may seek from the Student Conduct Board and/or Dean of Students, a University Protective Order prohibiting such action.
- **Off-Campus Jurisdiction** – When a criminal violation is committed off campus and a court conviction ensues, the violator may be subject to the Board's disciplinary jurisdiction if the Vice President Enrollment Management and Student Affairs/designee determines that the criminal violation interferes with the integrity of the University's rightful responsibilities and activities. Further, an off-campus criminal violation, regardless of any court status, may subject the alleged violator to the Board's disciplinary jurisdiction if the Vice President Enrollment Management and Student Affairs/designee at their discretion determines that the alleged violator constitutes a danger to persons or property on or off campus or has engaged in off-campus conduct that affects the welfare of the campus community. Such behaviors that may be subject to University disciplinary action include, but are not limited to, physical assault and battery, sexual assault, harassing or intimidating behavior, damage to other's property, unlawful alcohol gatherings, disruptive behavior, selling or distributing drugs, and any drug possession where the evidence indicates intent to sell or distribute controlled substances. Also, any student who exhibits chronic behavioral issues off campus may be subject to University disciplinary action under these guidelines.

### **C. Complaint Procedures**

Complaints concerning disciplinary action shall be presented to the Student Conduct Officer in writing by the complaining party for action in accordance with the provisions set forth herein.

#### **Disciplinary Action**

With regard to disciplinary action, matters shall be brought forth for hearing as follows: The Student Conduct Officer/designee shall give to the student reasonable notice, in writing, of the charges against them, the particular regulation which the student has alleged to have violated, the basic facts

including dates and times on which the charges are based, the time and date of the hearing, which the hearing shall be held within forty-five (45) school days of the Notice of Hearing and Charges, and the existence of these regulations and applicable sanctions. The notice shall contain a statement that the student may:

- Request from the Student Conduct Officer/designee a list of witnesses against the student,
- Review substantive evidence to be used against the student,
- Ask questions and present witnesses at a hearing, and
- Seek counsel of the student's choice, who may advise, but shall not represent the student at the discipline hearing.
- A request by the University that a student pay a fee or the cost of damage or loss proven to be caused by the student shall not be deemed to be "disciplinary action" and shall be subject to the Board of Trustees policy on outstanding debts.

### **Protective Orders**

With regard to protective orders, matters shall be brought forward for hearing as follows:

- Any complainant, witness, or any other person may appear before the Board, Dean of Students/designee, ex parte, to request that the Board or Dean of Students/designee issue an order prohibiting an individual from interfering with the rights and freedoms of said complainant, witness, or other person.
- The Board or Dean of Students/designee shall have the discretion to determine whether a University Protective Order shall be issued.
- The hearing panel shall decide all matters with respect to the issuance of University Protective Orders by a simple majority vote.
- If issued, a University Protective Order shall remain in effect until rescinded by the Board or Dean of Students/designee at the request of the individual against whom the order has been issued and after a hearing conducted under such procedure as the Board or Dean of Students/designee may determine to be appropriate.
- Violation of a University Protective Order may be the basis of a disciplinary complaint, subject to the sanctions imposed pursuant to the disciplinary procedure set forth herein.

### **Hearing Procedures**

Any student who is accused of a conduct code violation shall be afforded the opportunity for hearing. The student shall be given a reasonable notice, in writing, of the charge against them, the particular violation or regulation which the student is alleged to have violated, the basic facts including the dates and times on which the charges are based, and the time and date of the hearing. The hearing will proceed as follows:

- The accused student shall have the right to be assisted and counseled by the person of their choice. This person may be present at the hearing to advise and counsel, but may not represent the student to the Board or enter into direct examination.
- The accused student shall have the right to ask questions and to present witnesses on their behalf.
- The accused student shall not be required to testify against themselves but shall be deemed to have waived their right if they should testify at all.
- The decision of the panel shall be based solely upon the evidence presented at the hearing.
- No student shall be found responsible of any offense charged unless a minimum of three-fourths ( $3/4$ ) of the members of the panel believe that student, based on the evidence presented, is more likely than not to be responsible.
- An audio tape recording of the hearing shall be made by the University and shall be made available for use by the accused student for purposes of appeal only.
- All hearings shall be closed to the public.
- The decision of the panel shall be in writing and shall include specific findings regarding the responsibility of the student on each charge, as well as information regarding the student's right to appeal pursuant to Section I of this code.

#### **E. Witnesses**

In regard to matters heard by the Board, at least three (3) days before the hearing, if the student so requests, the accused student shall be given the names of all witnesses against him/her by the Student Conduct Officer, unless the Dean of Students/designee shall rule, after an informal hearing at which the student and the Student Conduct Officer present arguments, that the safety or welfare of said witnesses may be endangered or threatened if their names are disclosed to the student.

#### **F. Evidence**

- In regard to matters heard by the Board, the accused student shall have the right to review the substance of the evidence to be used against them at the hearing and shall be notified of any exculpatory evidence of which the Student Conduct Officer may be aware.

- The Board need not follow the general rules of evidence. Generally, the Board may choose to consider no statement against the accused student unless the person making said statement is present at the hearing. If a person cannot be present, a written statement from that person may be submitted to the Board upon verification by the Student Conduct Officer. Such statement will be assigned appropriate weight based on the information presented, and if applicable, the fact that the person is not present to provide clarifying information or answer any questions. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The Dean of Students/designee shall make rulings on admission of evidence including, but not limited to, official business records, official documents, authoritative resource material, medical statements or treatment records, records of regularly conducted activity, public records, and any other evidence deemed reliable by the Dean of Students/designee and to be important to the matter at hand.

#### **G. Waivers**

- Any student may waive any of their rights hereunder, including the student's right to a hearing. The Student Conduct Officer, Residential Life Professional Staff, or other designated student conduct staff, in consultation with the Dean of Students/designee, may accept a student's waiver of a hearing, or postpone a step in the hearing procedure for the purpose of resolution by agreement of the parties. A student need not waive their right to a hearing and may request to meet with the Student Conduct staff/Student Conduct Board.
- Any student may waive their right to a hearing before a Student Conduct hearing panel and may elect to have their case heard by the Dean of Students/designee. The Hearing Officer hearing a case shall follow the general Student Conduct Board hearing procedures. In event of an appeal, Section I procedure shall apply.

#### **H. Sanctions**

In regard to matters heard by the Student Conduct Board/Hearing Officer, the Board/Hearing Officer is authorized to impose one or more of the sanctions listed below. The Board shall require a three-fourths (3/4) majority vote in order to impose any sanction. The recommended sanction shall be implemented by the University at the expiration of the appeal period, unless the Board/Hearing Officer determines that the sanction shall be implemented immediately.

Sanctions shall be determined based on the severity of the infraction, the prior history of the student, and any facts and circumstances relevant to each case. Students who have multiple conduct violations may be subject to more serious and progressive sanctions in addition to those outlined in individual University policies.

In regard to student violations handled through the policies and procedures contained in the Equal Opportunity, Diversity and Affirmative Action Plan and within the Title IX Sexual Harassment Policy, sanctions shall be imposed pursuant to those policies and procedures, and the disposition and sanctions issued to a student will be reported to the Student Conduct Office and become part of the student's disciplinary record.

**Note: Failure of a student to follow through with a sanction will result in the automatic elevation of the sanction to the next level after the failure is proven through due process procedures published in the Student Conduct Code.**

Admonition	A warning or advice that certain conduct has been inappropriate.
Censure	A written reprimand.
Restitution/ Work Project	Compensation, for damage or offense committed, through the payment of money or through an appropriate work requirement related to the offense.
Suspension of Specific Privilege	Loss of specific privilege or privileges for a specific period of time. Such restrictions include, but are not limited to, prohibition from events, programs, residence halls, campus areas, or other activities of the University.
Counseling	Referral of a student to a counseling service for evaluation and recommendations. This may also include a referral to the Substance Education Program or to a substance abuse counselor, who may be in an off-campus agency. Any expense incurred shall be the responsibility of the student.

Probation	A period of time during which the student's actions are subject to close examination. Offenses committed during this period will be considered with prejudice by the Hearing Officer/Student Conduct Board.
Residential Review	An action taken against a student placing their resident status in jeopardy. As a result of this action, the student's housing status will be reviewed at the end of the semester in order to determine whether or not the individual should be allowed to remain in, or be admitted to, on-campus housing.
Deferred Suspension From University Housing	A deferred removal from University housing for a specific period of time. Any proven offense committed during this period will cause the suspension to take effect immediately for the balance of the period in addition to any sanctions given for the latest offense.
University Housing Suspension	Removal from University housing for a period of one or two semesters or portion thereof. This includes prohibition from entering all University housing facilities. After the student has gone through a residential review and University housing eligibility has been restored, the student may be readmitted by way of regular waiting list procedures. (Note: Depending on the availability of University housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to campus to live after their suspension is complete.)
University Housing Expulsion	Permanent removal from University housing. This includes prohibition from entering all University housing facilities.
Deferred Suspension From the University	A deferred removal from the University for a specific period of time. Any proven offense committed during this period will cause the suspension to take place immediately for the balance of the period in addition to any sanction given for the latest offense.

University Suspension	Removal from the University for a period one, two or three semesters or part thereof. This includes prohibition from entering all University buildings, grounds, activities and events. No registration, class attendance, participation in cocurricular activities or University housing will be permitted during this time.
Limited Expulsion	Removal from the University. This includes prohibition from entering all University buildings, grounds, activities and events. No registration, class attendance, participation in cocurricular activities or University housing will be permitted. Review for readmittance will be granted only after expiration of two (2) calendar years from the time of removal.
Expulsion	Permanent removal from the University. This includes prohibition from entering all University buildings, grounds, activities, and events. No registration, class attendance, participation in cocurricular activities or University housing will be permitted.

**Major Offenses:** A major offense is one which does harm or potential harm to persons or property. A major offense may meet with minimum sanction of immediate suspension from housing or a suspension or expulsion from the University based on the severity of the incident. Examples of these offenses which may meet with a minimum suspension from University housing include, but are not limited to, harassing, intimidation, and/or threats, kegs, physical fighting, possession or use of drugs, and vandalism. Examples of those offenses which may meet with a minimum suspension or expulsion from University include, but are not limited to, the violations described above or any violation of fire safety, assaulting and striking another person, possession or use of firearms or other weapons/lethal devices, sexual assault, stalking, resisting arrest, inciting a riot, and hazing.

**Major Alcohol Offenses:** The following violations shall meet minimally with an immediate suspension from housing for one (1) full academic semester or more:

- The possession or use of alcoholic beverage containers such as kegs, beer balls, or the functional equivalent (whether full, partially full or empty) as well as punch bowls or any containers that indicate the probability of common source drinking or bar service, in any University building or on any University grounds, is prohibited and shall constitute a major infraction of University regulations.
- The delivery, gratuitously or for sale, of alcoholic beverages to a person under the age of twenty-one (21) is prohibited and shall constitute a major infraction of University regulations.
- The promotion or solicitation of any alcohol related activity that is not sponsored by the University.

**Other Alcohol Offenses:** All other alcohol offenses are subject to the following sanctions:

**First Offense**

Ten (10) hours of participation in community events or a work project and completion of University substance education classes. A \$100 service fee will be assessed and made payable within thirty (30) days of a University disciplinary procedure decision. Additional sanctions may be given for large amounts of alcohol or disorderly conduct. Individual exceptions regarding the modification of attendance at substance education classes will be based solely on academic reasons.

**Second Offense**

Suspension from University housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current wait list procedures, there is no guarantee that a student who is suspended from housing will be able to return to campus to live after their suspension is complete.

**Third Offense**

Suspension from University for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment.

## **I. Appeals**

### **Appeal Procedure**

With regard to any matter over which the Board/Hearing Officer has jurisdiction, any accused student, aggrieved by a decision of the Board/Hearing Officer, may appeal said decision by filing a Notice of Appeal Form within five (5) working days of the date of the decision of the Board/Hearing Officer.

Appeals may be submitted on the following grounds:

- to allege a material procedural error within the hearing or resolution process that would substantially change the outcome; or
- to consider new evidence that was not known at the time of the hearing/investigation that would substantially change the outcome.

Appeals will not be considered on any other basis.

Upon timely receipt of the Notice of Appeal Form, the Student Conduct Officer shall submit written statements from the aggrieved student and the Student Conduct Officer/designee, the Board/Hearing Officer Decision Form, and other information pertinent to the matter to the appellate body for review.

If the Vice President, Enrollment Management and Student Affairs/designee, finds upon initial review, that there exist no grounds for appeal, the appeal will be concluded and all Board/Hearing Officer decisions will be upheld without further review. Otherwise, appeals shall be reviewed by a body that includes administrative designee(s) determined by the Vice President, Enrollment Management and Student Affairs and one student representative as determined by the Vice President, Student Life of the Student Government Association.

Within 30 days of receiving the appeal, the appellate body shall issue a written decision to the parties in which it may uphold, reverse, modify the decision, or order a new hearing. All appellate decisions are final.

## **J. Disciplinary Records**

- All student disciplinary records shall be maintained in accordance with University policy and The Family Educational Rights and Privacy Act of 1974 (See Student Record and Privacy Regulations).
- Student Conduct Code violations that are also violations of the Equal Opportunity, Diversity and Affirmative Action Plan and the Title IX Sexual Harassment Policy will result in student records that are maintained by both the Student Conduct Officer and the Title IX/Non-Discrimination Officer.

- Maintenance and destruction of student records will be done in **accordance with the requirements of the Massachusetts State Records Retention Schedule.**

#### **K. Emergency Action**

- If the Dean of Students/designee determine that a student's presence on campus constitutes a danger to persons or property, the University may immediately suspend the student on an interim basis, provided that a preliminary hearing before the appropriate administrator be accorded prior to the interim suspension, unless unreasonably difficult to do so, and provided that a full hearing be conducted in accordance with these regulations as promptly as permits and no later than twenty (20) school days of such interim suspension.
- If the Dean of Students/designee determine, based clearly on a review of all the evidence in a given case, that the Student Conduct Board/Hearing Officer or Student Conduct staff has acted in an arbitrary, capricious, or unreasonable manner, the Dean of Students may take any necessary action relative to the findings or sanctions to safeguard the legitimate interests of the University. In this event, prompt notification shall be given to the student.
- If the Dean of Students/designee determine it necessary, based clearly on information and circumstances pertaining to an individual's psychological/emotional health and personal safety or the health and safety of the University community, the Dean of Students/designee shall have the authority to refer a student to an on-campus or off-campus agency for psychiatric evaluation and care.

#### **L. Amendments**

This code shall be amended with the guidelines of the University's Policy manual and by the majority vote of the members of the Student Government Association and approval of the Vice President, Enrollment Management and Student Affairs, the University President and the University Board of Trustees.

All matters involving student personnel policies, including Student Conduct Policies and Regulations, rest in the ultimate authority of the President and Trustees of the University. Any questions of interpretation regarding the Student Conduct Code shall be referred to the Vice President, Enrollment Management and Student Affairs or their designee for final determination.

## **M. Posting**

These regulations shall be made available to students at the Office of Student Conduct.

# ACCEPTABLE USE OF INFORMATION TECHNOLOGY RESOURCES

## **PURPOSE**

The purpose of this policy is to provide guidelines for the appropriate use of information technology resources at Westfield State University (“University”) and establish sanctions for violations of this policy. This policy is intended to protect the users of the University’s information technology resources by ensuring a reliable and secure technology environment that supports the educational mission of the University. These resources are provided as a privilege to all Westfield State University employees, students, and authorized guests. The University seeks to ensure the integrity of information technology resources made available to the community and to prevent disruption to academic and administrative needs. This policy is not intended to inhibit the culture of intellectual inquiry, discourse, and academic freedom.

In general, the same ethical conduct that applies to the use of all University resources and facilities applies to the use of the University’s information technology resources.

## **SCOPE**

This policy applies to all students, faculty, and staff of the University, and to all other users who are authorized by the University to access its information technology resources.

This policy is supplemented by the policies of those networks to which the University is interconnected, including, but not limited to, the University of Massachusetts Information Technology Systems group, the Commonwealth of Massachusetts’ Information Technology Division, Umass Online, etc.

For the purposes of this policy, “Information Technology Resources” means all computer and communication facilities, services, data, and equipment that are owned, managed, maintained, leased, or otherwise provided by the University.

### **USER OWNERSHIP AND RESPONSIBILITIES**

It is the responsibility of any person using the University’s information technology resources to read, understand, and follow this policy. In addition, all users are expected to exercise reasonable judgment in interpreting this policy, and in making decisions about the use of information technology resources. Any person with questions regarding the application or meaning of this policy should seek clarification from their supervisor, or from the Office of Information and Instructional Technology. The University owns and maintains the information stored in its information technology resources, and it limits access to its information technology resources to authorized users. Users of information technology resources have a responsibility to properly use and protect these resources, respect the rights of other users, and behave in a manner consistent with any local, state, and federal laws and regulations, as well as all University policies. Information technology resources, including Internet bandwidth, are shared among the community, and users must utilize these resources with this understanding.

Users must respect all intellectual property rights, including any licensing agreements, applicable to information and resources made available by the University to its community.

Information technology resources are provided to support the mission of teaching and learning and to conduct official University business. Therefore, the University bears no responsibility for the loss of any personal data or files stored or located on any system.

### **UNACCEPTABLE USES OF UNIVERSITY INFORMATION TECHNOLOGY RESOURCES**

The University permits limited, occasional, or incidental personal use of its information technology resources. Even when occasional usage is permitted, however, faculty, staff, students, and other authorized users should use discretion when using information technology resources for personal reasons.

The University prohibits the use of its information technology resources for the following purposes:

- in furtherance of any illegal act, including the violation of any criminal or civil laws or regulations, whether local, state, or federal.
- for any political purpose.
- for any commercial purpose.
- to violate any University policy.
- to discriminate against any person on the basis of any legally protected characteristic.
- to harass any person based on any legally protected characteristic, including sex.
- to access or share sexually explicit, obscene, or otherwise inappropriate materials.
- to infringe any intellectual property rights.
- to gain, or attempt to gain, unauthorized access to any computer or network.
- for any use that causes interference with or disruption of network users and resources, including propagation of computer viruses or other harmful programs.
- to intercept communications intended for other persons.
- to misrepresent either the University or a person's role at the University.
- to libel or otherwise defame any person.
- to use e-mail or messaging services to threaten, harass or intimidate another person, for example, by broadcasting unsolicited messages, by repeatedly sending unwanted email, or by using someone else's name or user-id.
- to waste computing, network, or technology resources, for example, by intentionally placing a program in an endless loop, printing excessive amounts of paper, or by sending chain letters, unsolicited mass mailings or crypto mining.
- to add, remove or modify equipment comprising the Information technology resources at the University unless they have been explicitly authorized to make such changes by the Chief Information Officer or their representative.
- to install on the University's network for any purpose or use any peer-to-peer file sharing applications. In addition, any other network-based, non-academic application that consumes the University's bandwidth may be limited or restricted. The Chief Information Officer must approve the installation of any server or server-based application on the University's network.

## **DATA CONFIDENTIALITY**

While performing their jobs, University employees and contractors often have access to confidential or proprietary information, such as personal data about identifiable individuals or commercial information about business organizations. Under no circumstances is it permissible for employees or contractors to acquire access to confidential data unless such access is required by their jobs. Under no circumstances may employees or contractors disseminate any confidential Information that they have rightful access to unless such dissemination is required by their jobs. Users of the University's information technology resources have a responsibility to protect the confidentiality of the information to which they have access.

## **COPYRIGHT PROTECTION**

Computer programs are valuable intellectual property. Software publishers can be very aggressive in protecting their property rights from infringement. In addition to software, legal protections can also exist for any information published on the Internet, such as the text and graphics on a web site. As such, it is important that users respect the rights of intellectual property owners. Users should exercise care and judgment when copying or distributing computer programs or Information that could reasonably be expected to be copyrighted.

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## **NETWORK SECURITY**

In compliance with state and federal data security laws, the University seeks to protect the security of its information technology resources and of users' accounts, and to prevent unauthorized access by others, both on and off campus. It is critically important that users take particular care to avoid compromising the security of the network.

Most importantly, users should never share their passwords with anyone else, and should promptly notify University personnel if they suspect their passwords have been compromised. In addition, users

who will be leaving their PC's unattended for extended periods should log off the network. The University reserves the right to make unannounced changes to the infrastructure or accessibility of any information technology resources.

### **E-MAIL**

In Massachusetts, e-mail is considered a public record and must be treated as such. E-mail is subject to production pursuant to a public record request, and it is subject to the Commonwealth's record retention policies in the same manner as paper records. When using e-mail, there are several points users should consider. First, because e-mail addresses identify the organization that sent the message (first.last@westfield.ma.edu), users should consider e-mail messages to be the equivalent of letters sent on official letterhead. Finally, although many users regard e-mail as being like a telephone in offering a quick, informal way to communicate, users should remember that e-mails can be stored, copied, printed, or forwarded by recipients. As such, users should not write anything in an e-mail message that they would not feel just as comfortable putting into a memorandum. Please refer to the Westfield State University Electronic Mail (E-mail policy).

### **PRIVACY/CONFIDENTIALITY**

The University is the owner of all information technology resources, including e-mail.

As such, no student, faculty member, staff member or other authorized user has a reasonable expectation of privacy in their e-mail or any other use of the University's information technology resources.

To that end, the University cannot guarantee privacy or confidentiality in the use of its information technology resources. Under certain circumstances, the University may be legally obligated to disclose information in response to court orders or other legal actions, in response to public record requests, in disciplinary processes, in health and safety emergencies, or when necessary to protect the integrity or security of its information technology resources. The University retains full discretion in reviewing and disclosing records to comply with these requirements.

Certain classes of data are also protected from disclosure by law or regulation. In compliance with those laws and regulations, the University seeks to protect any personally identifiable information

managed on its information technology resources. All members of the University community with access to such data are required to maintain the confidentiality of such data in accordance with this policy.

Information technology resources at the University are the property of the University and the Commonwealth of Massachusetts. As such, the University retains, and when reasonable and in pursuit of legitimate needs for supervision, control, and the efficient and proper operation of the workplace, the right to inspect any user's computer, any data contained in it, and any data sent or received by it. Any use of the University's information technology resources constitutes express consent for the University to monitor and/or inspect any data that users create or receive, any messages they send or receive, and any web sites that they access, in accordance with the requirements of the law and any relevant collective bargaining agreement.

### **MOBILE DEVICES**

Employees using mobile devices offsite are responsible for protecting the computer and any confidential files from theft or security breaches. This may include using a power-on password and encryption software. Any breaches of computer security or theft should be reported immediately to University Police and the Chief Information Officer.

### **ENFORCEMENT**

Any behavior or activity that alters the normal functioning of the University's information technology resources, or which negatively impacts their use by any other member of the community, is strictly prohibited. The University retains the right to take any reasonable action necessary to protect the integrity and security of its information technology resources, to curtail illegal use of the resources, to ensure the resources are equitably shared, and to protect the rights and privacy of its users.

Users of information technology resources who violate this policy, gain unauthorized access, or violate any state, local or federal law will have their privileges to use information technology revoked and may be subject to the University's disciplinary processes and procedures. Violations of this policy may also result in disciplinary action, up to and including termination, expulsion and/or legal action. Illegal acts may also subject users to prosecution by law enforcement authorities. The use of the University's information technology resources constitutes an understanding of an agreement to abide by this policy.

## **REVIEW**

This policy shall be reviewed annually by the Chief Information Officer.

# **ADMINISTRATIVE MEDICAL LEAVE OF ABSENCE**

## **Purpose**

The purpose of this policy is to describe the University's ability to initiate a student's involuntary withdrawal from the University for certain extraordinary physical or mental health reasons. As a rule, the policies and procedures stated in the Student Conduct Regulations are the preferred method for addressing student behavior. Still, the University also recognizes in some instances involving underlying medical and mental health issues, the University is in a better position to take more appropriate actions in the best interest of the student and/or the University.

The University may require a student to take a mandatory administrative leave of absence in the event the student has an illness, condition or behavior that poses a direct threat to the health and safety of the student and/or the campus community. This policy attempts to address the difficulties with a humanistic approach by mandating an interim leave of absence and psychological evaluation with due process rather than dealing with the challenging behavior from a strictly disciplinary approach and/or dismissing the student from the University.

## **Standards**

A student can be placed on mandatory administrative leave of absence from Westfield State University or from the University Residence Halls, if it is determined that the student as the result of an extraordinary physical or mental health situation:

- Poses an imminent danger to self or others;
- Engages in or threatens to engage in directly and substantially impeding the lawful activities of others,
- Causes significant disruption to the academic or University-related activities of others;
- Lacks the capacity to respond to pending disciplinary charges or did not know the nature of wrongfulness of the conduct at the time of the offense; or
- Renders the student unable to live independently in University owned or leased housing or unable to provide their own health and welfare.

These standards do not preclude removal from the University, or residence hall, in accordance with provisions of the residence hall room and board license, or other Westfield State rules and regulations.

The student will be expected to meet with the Dean of Students (or their designee) and will be informed in writing of the administrative leave of absence. During an administrative leave of absence, the student will only be permitted on University property when approved, in writing, by the Dean of Students (or designee).

When a student is medically withdrawn from the University, either involuntarily or voluntarily, the student may receive a withdrawal without academic penalty (no failing grades will be assigned) from the current semester.

A notation of "W" will be placed on the transcript and the student will only be eligible for refund if they meet the requirements of the normal Withdrawal Refund Policy Schedule as established by the Office of Student Accounts.

### **Administrative Leave of Absence Hearing Procedures**

- Any student who is subject to an involuntary leave, withdrawal or administrative action shall be afforded a hearing.
- Any student may waive their rights hereunder, including the student's right to a hearing. The Dean of Students/designee may accept a student's waiver of hearing for the purpose of resolution by agreement to voluntary leave, withdrawal or other action.
- The hearing shall be informal and shall be conducted in accordance with the following guidelines:
  - The student will be informed in writing of the time, date and location of the informal hearing.
  - The case file and all other relevant reports and documents (i.e. discharge paperwork, personal medical provider recommendations, etc.) will be available for examination by the student in the Dean of Students' Office during normal business hours. The file need not include the personal notes that are not a part of the University's own records. Copies of any documents contained in the file shall be provided, upon their request, to the student.
  - The informal hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The Dean of Students/designee shall exercise active control over the informal hearing. Any person who disrupts the proceedings may be excluded.

- The student shall have the right to be assisted and counseled by a person of their choice. This person may be present at the hearing to advise and counsel the student, but may not represent the student in the proceedings; unless the student is physically incapable of speaking on their own behalf.
- The student will be given reasonable time to ask relevant questions of any information provided at the informal hearing, as well as to present relevant information to the Dean of Student/designee.
- The hearing may be conducted in the absence of a student who fails to appear after proper notice.
- The Dean of Students/designee may permit a University official, and the health professional who prepared the evaluation, to appear at the hearing and to present evidence in support of any recommendation for involuntary administrative action or withdrawal. This provision may be invoked in factually complicated cases when reliance upon a written evaluation may not be sufficient.
- The Dean of Students/designee shall render a decision relative to whether the student should or should not have imposed upon them an involuntary administrative action or involuntary withdrawal from the University. The Dean of Students/designee shall decide that a student should be subject to such action or such withdrawal only upon a determination, based on credible and persuasive information that one or more of the standards listed above been shown to exist.
- If the Dean of Students/designee decides that the student should be subject to such action or such withdrawal, they shall set forth their findings of fact and the reasons on which their decision is based. In the case of an involuntary withdrawal, they shall also state the date after which a request for re-admission will be considered and any conditions that must be fulfilled before any such request will be considered. In most cases, at least one (1) full academic semester must have passed from the time of the withdrawal before the student is eligible to re-enroll and return to campus. The decision of the Dean of Students/designee shall be transmitted to the student.

### **Administrative Leave of Absence Appeal Procedures**

Students may appeal the Dean of Students/designee's decision by filing an appeal within (5) business days of the date of the decision to the Dean of Students Office. Upon timely receipt of the appeal, the

Dean of Students/designee shall submit written statements from the student and the Dean of Students/designee and any other supporting documentation to the appellate body for review. The appellate body shall consist of members of the Student Conduct Board. Within seventy-two (72) hours of receiving the appeal, the appellate body shall issue a written decision to the student in which it will uphold or deny the decision. All appellate decisions are final. Until a final decision has been rendered by the appellate board, the original decision remains in place.

### **Re-Admittance Procedures**

In order to return to the University from an administrative leave of absence, a student may be required to:

- Meet with the Dean of Students (or designee). The Dean of Students/designee in considering an application for re-admission following such withdrawal, may request documentation from appropriate medical or mental health personnel to substantiate the student's readiness to return to active study at the University. As appropriate, the Dean of Students/designee may provide the student with written conditions (e.g., compliance with medical/mental health treatment recommendations) to be met for continued attendance.
- Meet with a member of the Counseling staff (if leave was due to a mental health issue).
- Provide written consent for appropriate consultation among University offices and off-campus providers.
- Contact Department of Residential Life to discuss on-campus opportunities after approval from the Dean of Students (or designee).

The Dean of Students will inform the student in writing of the approval or denial to return to the University and to return to University housing, if requested.

### **Interpretation of Policy**

Any questions regarding interpretation of this policy shall rest within the authority of the Vice President, Enrollment Management and Student Affairs for final determination. Any reasonable deviation from these procedures as determined by the Vice President, Enrollment Management and Student Affairs will not invalidate a decision or proceeding unless significant prejudice to a student may result.

# ALCOHOL AND OTHER DRUG POLICY

## **INTRODUCTION**

The Westfield State University policy and regulations pertaining to the possession and consumption of alcoholic beverages and the illegal possession, use, distribution, and sale of illicit drugs and controlled substances are designed to: (1) conform to the state and federal laws; and (2) enhance the health, safety, property, and educational interests of all members of the University community. The purpose of the Alcohol and Other Drug Policy is to promote a campus environment that is compatible with and supportive of academic success and personal growth. A campus atmosphere dominated by overt use and abuse of alcohol and other drugs is contrary to this goal. Accordingly, any violation of the student conduct code and/or a violation of the federal, state, or local laws shall subject the offender to the university disciplinary process and/or to criminal prosecution.

In accordance with the Higher Education Amendments of 1998 (Public Law 105-244) the University regulations and laws pertaining to alcoholic beverages and the possession, use, distribution, and sale of illicit drugs shall be strictly and consistently enforced.

The Higher Education Act of 1998 states that students convicted under state or federal law for drug sale or possession will have their federal financial aid eligibility suspended. This includes all federal grants, loans, and work-study programs. Students convicted of drug possession will lose their eligibility for one year; two years for a second offense; and indefinitely for a third offense. Students convicted of selling drugs will be ineligible for two years; and indefinitely for a second offense. Eligibility can be regained through successful completion of an approved drug rehabilitation program. The filing of criminal charges does not prevent the University from imposing its own sanctions in addition to criminal penalties. These sanctions are described within the policy.

## **POLICY – ALCOHOL**

### **A. GENERAL PROHIBITION**

- No person under the age of twenty-one (21) may possess, use, be under the influence of alcohol, or be in the presence of alcohol or alcohol containers.

- The delivery, gratuitously or for sale, of alcoholic beverages to a person under the age of twenty-one (21) is prohibited and shall constitute a major infraction of University regulations.
- Public drunken disorderliness is prohibited on University property or at University sponsored activities or events.
- Operating a vehicle under the influence of alcohol (to any extent) is prohibited.
- Intoxication, defined as being under the influence of alcohol to any extent, which results in the involvement University staff, causes a disturbance, or is a danger to persons or property, is prohibited.
- The possession or use of kegs, the functional equivalent, or any alcoholic containers, which indicate the probability of common source drinking or bar service, on any University property, owned or leased, are prohibited and shall constitute a major infraction of University regulations.
- Drinking funnels or any similar drinking devices are prohibited.
- Each resident student of legal drinking age, living in a University apartment or suite where alcohol is permitted, may only bring a restricted amount of alcohol into the apartment or suite in which they live. The alcohol may not be brought anywhere but to the apartment where the student lives. This restricted amount is no more than one case (30 pack or less) of beer or its alcoholic equivalent per week. No other students or non-students may bring alcohol anywhere onto the campus at anytime without authorization from the University.
- At any one time, each five or six-person University apartment or suite where alcohol is permitted may contain no more than four cases (30 pack or less) of beer or its alcohol equivalent; each four-person apartment where alcohol is permitted may contain no more than two and two thirds cases (30 packs or less) of beer or its alcoholic equivalent; and each two or three-person apartment where alcohol is permitted may contain no more than two cases (30 packs or less) of beer or its alcoholic equivalent.
- Alcoholic beverages and/or alcoholic beverage containers are prohibited from all residence hall rooms and all other public areas of the University.
- Any gathering is prohibited (however large or small) where: a) any violation of the student conduct code occurs, including but not limited to where guest(s) under the age of twenty-one (21) are present; and b) the gathering promotes the binge consumption of alcohol and/or encourages alcohol consumption, such as through drinking games.

- Open containers of alcoholic beverages (seal broken) are prohibited from all public areas of the University.
- The manufacturing of any alcoholic beverage is prohibited.
- Alcoholic beverages shall not be for sale by anyone not licensed by the appropriate authority and shall not be done on campus without authorization from the University.
- The promotion of and/or solicitation for any event or activity (wherever held) at which alcohol is to be served or made available for consumption and that is not sponsored by the University is strictly prohibited and will be considered a major violation on this policy. Prohibited conduct includes, but is not limited to, the advertisement or other promotion of events at authorized alcohol area establishments when such advertisement or promotion takes place on the University's campus or by means of the University's network (including use of its network for e-mail or any web-based communication), selling or distributing tickets on the University's campus) for any such event, and participation in arranging group transportation for any such event.

## **B. ALCOHOL ENFORCEMENT/SANCTIONS**

- Students over the age of twenty-one (21) who choose to consume alcoholic beverages are responsible for their actions and should such behavior detract from the health, safety, property, and educational interests of all members of the University community will be held accountable through the sanctions process. Students are also responsible for making their guests aware of the alcohol policy and may be held accountable for any inappropriate actions of their guests.
- All violators of these regulations will be brought before the student conduct system for disposition of their cases and shall be subject to the following sanctions:
  - **First Offense:** Ten (10) hours of participation in community events or a work project and completion of University substance education classes. A \$100 service fee for these classes will be assessed and made payable within thirty (30) days of a university student conduct procedure decision. Additional sanctions may be given for large amounts of alcohol or disorderly conduct. Individual exceptions regarding the modification of attendance at substance education classes will be based solely on academic reasons.

- **Second Offense:** Suspension from University housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to campus to live after their suspension is complete.
- **Third Offense:** Suspension from the University for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment.

**Major Offenses:** The following violations are considered major offenses and be met minimally with an immediate suspension from housing for one (1) full academic semester or more.

- The possession or use of alcoholic beverage
- Containers, kegs, or the functional equivalent (whether full, partially full, or empty) as well as any container(s) that indicate the probability of common source drinking of alcoholic beverages or bar service (whether full, partially full, or empty).
- The delivery, gratuitously or for sale, of alcoholic beverages to a person under the age of twenty-one (21).
- The promotion or solicitation of any alcohol related activity that is not sponsored by the University.

Additional information regarding the operation and effect of sanctions includes the following:

- Failure of a student to follow through with a sanction will result in the automatic elevation of the sanction to the next level after the failure is proven through due process procedures published in the student conduct code.
- Subsequent violations of the alcohol portions of this policy and/or drug portions of this policy referenced in detail below, in any combination whether both alcohol, drug, or any combination of the two within a period of twelve (12) months will result in progression to the next level of sanction. Unless indicated by other provisions in this policy, once a twelve (12) month period has expired, the next violation shall meet with first level sanctions with an additional sanction of five (5) consecutive weekends of suspension from the University campus.

- More than four (4) alcohol and/or drug violations or any combination thereof over the course of a student's University career will result in a limited expulsion. Limited Expulsion is defined as a removal from the University. Review for readmittance will be granted only after expiration of two calendar years from the time of removal.

### **C. GROUP FUNCTIONS**

Permission for the use of alcoholic beverages for student group functions on University property or at University related events shall be obtained from the Vice President, Enrollment Management and Student Affairs/designee acting on the recommendation of the University Special Events Alcoholic Beverage Review Board. These procedures can be found in the Office of the Vice President, Enrollment Management and Student Affairs.

### **POLICY – OTHER DRUGS**

#### **A. DRUG PARAPHERNALIA**

- The use or possession of drug paraphernalia (all equipment, products, devices and materials of any kind that may be used to plan, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance) on the University's campus is strictly prohibited.

Any student found in possession of drug paraphernalia and found responsible for such possession shall be placed on University probation for one (1) academic year and shall complete ten (10) hours of participation in community events or a work project and University substance education classes and pay the service fee of \$100 for these classes within thirty (30) days of a University student conduct procedure decision.

- A student found responsible for a second offense during their University career shall be subject to University housing suspension for one (1) full academic semester or more and completion of a counseling evaluation and any recommended follow-up treatment.

- A student found responsible for a third offense during their University career shall be subject to University suspension for one (1) full academic semester or more. Prior to returning to University housing and/or University, the student must provide verification of completion of a counseling evaluation and any recommended follow-up treatment. NOTE: Drug paraphernalia which contains matter that tests positive for an illicit substance may constitute possession (see section C below).

## **B.MARIJUANA USE OR POSSESSION**

As marijuana is not allowed to be possessed or used under Federal law, the use and/or possession of marijuana, including marijuana prescribed for medical purposes, on any University property, owned or leased, is prohibited. Any student found responsible for use or possession of marijuana shall be subject to the following sanctions:

### **First Offense:**

Ten (10) hours of participation in community events or a work project and completion of University substance education classes. A \$100 service fee will be assessed and made payable within thirty (30) days of a college student conduct procedure decision. Additional sanctions may be given for large amounts of marijuana. Individual exceptions regarding the modification of attendance at substance education classes will be based solely on academic reasons. Completion of a counseling evaluation within sixty (60) days of a student conduct procedure decision is also required.

### **Second Offense:**

Any student found responsible for a second offense shall be suspended from housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to campus to live after their suspension is complete.

### **Third Offense:**

Suspension from University for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment.

Additional information regarding the operation and effect of sanctions includes the following:

- Failure of a student to follow through with a sanction will result in the automatic elevation of the sanction to the next level after the failure

is proven through due process procedures published in the student conduct code.

- Subsequent violations of the alcohol and/or marijuana portions of this policy in any combination whether both alcohol, both marijuana, or any combination of the two within a period of twelve (12) months will result in progression to the next level of sanction. Unless indicated by other provisions in this policy, once a twelve (12) month period has expired, the next violation shall meet with first level sanctions with an additional sanction of five (5) consecutive weekends of suspension from the University campus.
- More than four (4) alcohol and /or marijuana violations or any combination over the course of a student's University career will result in a Limited Expulsion from the University.
- Students who are held accountable for use of marijuana in the residence halls may also be subject to additional sanctions for violations of the University's Residence Hall Policy and Smoke, Tobacco and Marijuana Free Policy.

### **C. OTHER DRUG USE OR POSSESSION**

- Any student found in possession of marijuana, an illegal drug substance in any amount, no matter how minimal the amount, or prescription medication without a prescription, or found to be using such marijuana, illicit drug substances, or inappropriate use of prescription drugs and found responsible of such possession or use shall (this applies only to first-time offenders) be suspended from housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. In addition, the student will complete ten (10) hours of participation in community events or a work project and University substance education classes and be assessed a \$100 service fee for these classes made payable within (30) days of a University disciplinary procedure decision.
- Any student found responsible for a second offense of possession or use of marijuana, an illegal drug substance, or inappropriate use of prescription drugs during their University career shall be suspended from the University for one (1) academic year or more with the possibility of returning to the University pending completion of a counseling evaluation and any recommended follow-up treatment, and by the decision of the Vice President, Enrollment Management and Student Affairs with no right of return after a third offense.

#### **D. POSSESSION WITH INTENT TO SELL OR DISTRIBUTE**

- Any student found responsible for possession with intent to sell or distribute any prescription drugs, marijuana or any illegal substance will be expelled from the University with no right of return.
- Evidence indicating possession with intent to sell or distribute any prescription drugs, marijuana or any illegal substance may include, but not limited to, possession of a large amount of prescription drugs, marijuana or any illegal substance, and/or possession of any amount of prescription drugs, marijuana or any illegal substance combined with other evidence indicating intent to sell or distribute such as weighing devices, cash boxes, bank rolls/large sums of money, cultivating equipment, chemicals used in the manufacture of illicit substances, plastic bags or other quantifying devices.

#### **E. DRUG SALE OR DISTRIBUTION**

Any student found responsible for the sale or distribution of prescription drugs, marijuana or any illegal substances on the Westfield State University campus will immediately be expelled from the University with no right of return.

#### **F. SMOKE, TOBACCO AND MARIJUANA FREE CAMPUS**

- Smoking and/or the use of tobacco and/or marijuana products will not be permitted on any University property or University leased property including buildings, grounds, walkways, parking lots, wooded areas and all other property owned or operated by the University. The only exception to this prohibition is that the smoking of tobacco cigarettes only may be allowed in designated areas approved by the University President and marked by appropriate signage.
- Smoking and/or the use of tobacco and/or marijuana products in University owned or leased vehicles is prohibited. Smoking and/or the use of tobacco and/or marijuana products is also prohibited in personal vehicles when those vehicles are on University property.
- The use of edibles, THC pills and vaporizer devices including, but not limited to, hookah pens, marijuana pens and e-cigarettes is prohibited on all University property or University leased property as described above.
- All campus constituents have a collective responsibility to promote the safety and health of the campus community and, therefore, share in the responsibility of policy compliance. Individuals observed smoking and/or using tobacco or marijuana in any form in violation of this policy, are to be reminded, in a professional and courteous manner, of the University policy.

- Students in violation of this policy shall be referred to the University student conduct system for disciplinary proceedings for repeated offenses. Employees in repeat violation of this policy will be referred to Human Resources.
- To assist those who wish to stop their personal use of tobacco and/or products, the Human Resources Department, the Health Services Department, the Counseling Center and the Employee Assistance Program (EAP) can direct employees and students to tobacco cessation programs which the University might provide.
- Any questions regarding the interpretation of this Policy rest within the authority of the Vice President, Enrollment Management and Student Affairs (for students) and the Associate Vice President for Human Resources, Title IX and Equal Opportunity (for employees).

## **POLICY – ALCOHOL AND DRUG GUIDELINES**

### **A. ADDITIONAL GUIDELINES**

- Consistent with the Family Educational Rights and Privacy Act, the University will notify the parent or legal guardian of students under twenty-one (21) years of age each time they have been found responsible for University alcohol and/or other drug policy violations. The University shall exercise discretion not to notify parents/guardians based on documented evidence of an abusive family situation.
- For the purpose of this policy, the University's "campus" is defined as all buildings (owned, leased, or operated by the University) and all surrounding outdoor property (owned, leased, or operated by the University), including but not limited to parking lots, grass, sidewalks, and forested land.
- Intoxicated persons shall be subject to police intervention including protective custody, arrest, or other appropriate action. All costs for providing required monitors for intoxicated students and/or their guests will be billed to the student.
- In any situation that the University deems to be an emergency, such as a situation where a student is arrested, placed in protective custody, or transported to a medical facility due to incidents related to alcohol and/or drug consumption, the University may notify a parent/legal guardian/emergency contact or other persons.
- In the event that a student is suspended from University housing or from the University for any disciplinary infraction(s), including but not limited to, alcohol or other drug infractions, no refund will be given to the student, for any University fees or tuition, unless otherwise specified by federal law, state law, or University policy.

- In the event that University staff deems a resident to be intoxicated, the student may be asked to return to their room, may be asked not to leave the residence hall, may be escorted to another hall in which they reside, or may be given other appropriate instructions. Failure to comply with legitimate staff requests/ instructions shall result in student conduct action.
- Any backpack, bag or similar container that anyone carries onto campus shall be subject to inspection and search by a member of the University staff whenever there exists reasonable suspicion that the container is being used to bring onto campus any alcoholic beverage or other material in violation of University policy.
- The following chart outlines sample alcoholic equivalents of one case (30 pack) of beer:

<b>TYPE OF ALCOHOL</b>	<b>Ounces</b>	<b>Quarts</b>	<b>Liters</b>
100 proof	30	1	1
80 proof	36	1	1
40 proof	72	2	2
Wine			3.75 liters or 5 bottles at 750 ml

### **POLICY AMNESTY**

The University recognizes that there may be alcohol or drug-related medical emergencies or other safety emergencies in which the potential for disciplinary action could act as a deterrent to students who want to seek assistance for themselves or others. The University encourages students to seek emergency medical assistance when

faced with an alcohol or drug-related emergency and in any situation where a reasonable person believes medical treatment to be appropriate. When a student aids an intoxicated or impaired individual by contacting the Westfield State University Police Department or the Department of Residential Life, it is up to the discretion of the Dean of Students, or designee, to determine if any involved parties, Student Organizations or Unrecognized Student Organizations will be subject to disciplinary action.

University officials may elect not to pursue disciplinary proceedings against a student who, in good faith, reports, witnesses, or possesses personal knowledge of others who are incapacitated due to alcohol or other drug use. This does not preclude disciplinary action regarding other violations of university standards such as causing or threatening physical harm, damage to property, harassment, hazing, or violations of the Title IX Sexual Harassment Policy. Students who are transported to a local hospital, placed in protective custody, or evaluated as a result of the abuse of alcohol or other drugs will be contacted by a University official to meet to discuss the incident.

### **REVIEW**

The responsibility for the formation of future Alcohol and Other Drug Policies and for annual review of existing policies shall rest with the Substance Abuse Advisory Committee and the Vice President, Enrollment Management and Student Affairs, whose recommendations shall be forwarded to the Student Government Association for consultation, and to the University President for review and implementation. All matters involving student personnel policies, including the Alcohol and Other Drug Policy, rest in the ultimate authority of the President and the Board of Trustees of the University.

Dissemination of this policy shall include inclusion in the Student Handbook, the University Catalog, and other appropriate publications, discussion at all orientations of new and transfer students, and regular review and dissemination by Residential Life and Student Affairs staff.

## **FREE SPEECH, DEMONSTRATION, PICKETING POLICY**

### **PURPOSE**

As an educational institution, Westfield State University supports the constitutional right of free speech. Exposure to a wide array of ideas,

viewpoints, opinions, and creative expression is an integral part of a university education, preparing students for life in a diverse global society.

The rights of freedom of speech, expression, petition, and public assembly are basic and essential to an individual's intellectual and social development. At the same time, in light of the university's commitment to allowing students and members of the community access to all services, resources and support, all activities, including expressive activities and speech, must be balanced in consideration of the university's educational mission.

Westfield State University supports the right of individuals to exercise free speech, including but not limited to political, symbolic, or artistic speech, provided only that such does not materially disrupt normal University activities, create a clear and present danger of the commission of unlawful acts, or infringe upon the rights of others.

Westfield State University recognizes the right of individuals to exercise all forms of constitutionally protected expressive activities (i.e. symbolic speech) and free speech without prior restraint or censorship. The university acknowledges that public discourse may include the discussion of controversial ideas, and the University will not limit public discourse based solely on its communicative content.

The University also recognizes the fact that any individual or group may demonstrate. 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; or be disruptive of any activity on campus. Such forms of demonstration may be (but are not limited to) distribution of literature, silent or symbolic protest, vocal dissent, and/or picketing. In the event any type of demonstration materially disrupts normal University activities, the University will take appropriate action. All activities must be conducted in accordance with the reasonable and content-neutral time, place and manner restrictions set forth in this policy.

It shall not be inferred or implied that the University endorses the messages expressed in accordance with this policy.

### **POLICY**

Faculty, staff and/or students must notify the Dean of Students 48 hours in advance of any demonstration and or picketing activity.

- All students, faculty, and staff have a right to demonstrate on University property provided, however, that no such demonstration shall be permissible which for any reason of time, place, or type of behavior materially disrupts normal University activities, including, but not limited to class work or other University business, or involves substantial disorder or invasion of the rights of others.
- Campus buildings are for University business. Any form of demonstration that interferes with normal University activities, including, but not limited to, business in office or classroom spaces, is a violation of this policy. Picketing is not permitted inside University buildings or within 15–20ft from the entrances of University buildings.
- Demonstrators are prohibited from blocking free entry to or free exit from buildings, interfering with free movement, or presenting obstacles to regular University activities. "Interfering with free movement" is defined as any physical denial or restriction of a person's ability to freely reach or leave a given geographical area, or harassment, which prevents them from normal movement. Obstacles include, but are not limited to, physical devices, bodies, or signs which cause interference with free movement or sounds which prevent normal communication.
- Speech or demonstrations that qualify as solicitations to commit crimes; harassment, threats, defamation, perjury, blackmail or obscenities, including child pornography; true threats; fighting words; incitement of imminent violence or lawless action is not protected speech under this policy. These activities have a specific meaning and shall be interpreted in accordance with law.
- No person shall intentionally and substantially interfere with the freedom of speech or expression of another person on University property or at University-sponsored activities.
- All persons shall comply with the directions of University officials lawfully acting in the performance of their duties. Failure to cease any activity in violation of this policy or other University policies immediately following either written or oral notice by a University official shall also be a violation of this policy.
- Any violation of this policy will subject the violators to applicable actions as defined in the Student Handbook, Equal Opportunity, Diversity and Affirmative Action Plan, collective bargaining agreements, and/or Massachusetts General Laws.

- University organizations may sponsor a speaker or event, at the expense of the organization, under the University's usual event registration procedures. Such sponsorship does not necessarily imply that the views presented are endorsed by the organization or the University.
- All persons at a event or demonstration must respect the right to dissent. Dissenters, however, may not disrupt the rights of the speakers to speak and/or the audience to listen. Preventing speech from occurring by disruptive protest is prohibited.
- Persons or organizations responsible for a demonstration or other expressive event must remove all resulting structures, signs, and litter from the area at the end of the event. If this is not done, the persons or organizations responsible for the event will be held financially responsible for clean-up services.

#### **REVIEW**

This policy will be reviewed every three years, and revised as needed, by the Director of Public Safety and the Dean of Students.

## **HAZING LAW (MASSACHUSETTS GENERAL LAWS, CHAPTER 269)**

#### **Section 17**

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

### **Section 18**

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to themselves or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

### **Section 19**

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgment stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of section seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the Board of Higher Education and in the case of secondary institutions, the Executive Office of Education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The Board of Higher Education and, in the case of secondary institutions, the Executive Office of Education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

## HOUSING POLICY

### **PURPOSE**

To describe the housing policies which apply to all Westfield State University resident students and their guests while present in any of the residence halls, suites, and University Apartment complexes.

### **POLICY**

#### **A. Introduction**

Residential Life promotes personal development and community engagement. Successful on-campus living requires that all residents are aware of the impact that their actions and choices can have, not only on themselves but also on other residence hall community members. An important aspect of this process is understanding and abiding by University policies and state and federal laws.

Residents are responsible for what occurs in their assigned rooms, apartments and suites; and also for the collective well-being of their respective communities. Students who violate policies may face student conduct system action, criminal prosecution, administrative room reassignment, loss of housing, service charges and/or other responses based on the nature and severity of the situation.

#### **B. Alcohol and Other Drugs**

See "Alcohol and Other Drug Policy" section of the current Student Handbook.

### **C. Appliances and Electrical Devices**

- Electrical appliances/devices permitted in resident rooms: blenders, clocks, coffee makers with auto shut-off, computers, fans, hair dryers/curlers, humidifiers, irons with auto shut-off, air popcorn poppers, radios, razors, mini fridge operating on up to 2.5 amps and having a capacity up to 4 cubic feet; stereos, TVs. Appliances should be Energy Star rated where available. Any appliance not being used in its intended manner may constitute a health and safety hazard and is subject to confiscation.
- Electrical appliances/devices prohibited in resident rooms: air conditioners, candle/wax warmers, "George Foreman grills," sandwich maker, microwave, air fryer, toaster, toaster oven or similar devices, halogen lamps, heat lamps, heaters, hotplates, hotpots, sandwich makers, toasters, toaster ovens and other cooking devices. To preserve a safe, healthy environment, Residential Life shall confiscate prohibited appliances. Non-approved appliances will be removed immediately upon discovery and disposed of in the trash after a 48-hour time period in which students are allowed to request a retrieval of the item with the Residential Life Staff. Repeat violations will lead to sanctions up to and including a loss of housing. Apartment Complex, University Hall and New Hall residents may have one "George Foreman grill"/sandwich maker, microwave, air fryer and one toaster or toaster oven per apartment in the kitchen area.
- The University provides Microfridge units (combination refrigerator/freezer/microwave oven) in each traditional hall bedroom. Since we do provide these units, we ask that students not bring additional mini-refrigerators into the halls unless there is a unique need for a private mini-refrigerator.
- Residents in traditional halls may not have additional microwave ovens beyond the Microfridge units provided by the University. Unapproved microwaves will be confiscated and disposed of in the trash after a 48-hour time period in which students are allowed to request a retrieval of the item with the Residential Life Staff. Apartment Complex, University Hall and New Hall residents may have one microwave oven per unit in the kitchen area.
- Since meal preparation in student bedrooms poses health and safety issues, approved appliances may be used within your room for snack preparation only. Use your hall's kitchen facilities for meal preparation.

- Extension cords must be UL approved and at least 16 gauge. Students are prohibited from running cords under carpets, through ceiling grids, or over door frames. Never place large/heavy objects on top of cords, crimp cords or overload outlets (more than two items plugged in at once). Use power strips with circuit breakers and do not plug power strips/extension cords into other power strips/extension cords.
- For safety reasons, students must always be in their rooms when ANY cooking or other potentially hazardous device or appliance is in use.
- To promote energy conservation, the University strongly encourages the use of LED light bulbs wherever possible in student supplied lamps and devices.
- Be careful with laptop computers, as they can cause fires when left unattended sitting on a bed or other flammable items. Whenever possible, set laptops on a hard surface when charging or in use.
- The University may require removal of any item, at anytime, or establish conditions for its continued presence and use, in the interest of preserving a healthy and safe environment.

## Damage

- Residents are members of a large and interdependent community, and each persons' actions have an impact on their neighbors and the University. Residents are expected to work with the Residential Life staff and with other residents to promote respect for our housing facilities and for all who live and work in them. The University will make students aware of conduct that is damaging to the community and inform students of damages and extraordinary cleaning charges. If excessive changes occur, students are notified of what has taken place and given the opportunity to take responsibility before other steps are taken.

Residents of a building are responsible for damage and vandalism which occurs during the academic year. Damages are classified as:

- **Personal** – the resident's room and all University furnishings and equipment present in these spaces. Apartment kitchens, living rooms and bathrooms are also considered personal space for billing purposes.
- **Common Areas**– public areas such as hallways, floor lounges, bathrooms, stairwells, main lounges, lobbies, game rooms, courtyards, and grounds; and all University furnishings and equipment present in these spaces. Personal and common area charges will apply to all residents.

- At check-in, each resident completes a detailed Room Condition Report (RCR) in MyHousing. Carefully complete the RCR to avoid billing concerns at check-out. The RCR will be reviewed at check-out by the Residential Life staff. Costs for Personal damages, missing items, and extraordinary cleaning will be billed to residents. Complete your RCR within 48 hours of check-in to avoid a \$50 improper check-in charge and possible personal damage charges.
- Common area damages which cannot be attributed to specific persons will be apportioned among all hall residents at the end of each semester. Common area charges will be billed to residents at the end of the semester as needed.
- The Residential Life staff conducts personal damage inspections and assessments at the conclusion of each semester or at the time of a resident's checkout during the semester.
- Routine vs. extraordinary cleaning – Residence hall maintainers are responsible for daily cleaning of public areas, trash removal from designated areas, and routine minor repairs. They are not expected to clean extraordinary messes or student rooms. Where extraordinary cleaning is needed, the individual or building will be assessed a service charge based on the nature of the occurrence.
- Repairs may be made immediately or on a cyclical basis, depending on the nature and severity. Damage repair fees are applied to those repairs regardless of when this work is completed.
- Appeals of Personal damage charges may be submitted to [housing@westfield.ma.edu](mailto:housing@westfield.ma.edu), with the subject line: "ATT: Damage Appeals." Please state which charge is being appealed and why. ONLY appeals submitted by the resident being charged, and within 30 days of the billing date will be considered. Common area may not be appealed, but students may review their hall's itemized common area charges by contacting the Department of Residential Life.
- Students responsible for repeated or significant damages face sanctions up to and including immediate loss of housing or University status in addition to restitution.
- Students responsible for extraordinary cleaning charges face sanctions up to and including immediate loss of housing in addition to restitution; biohazard issues related to bodily waste may lead to immediate loss of housing and restitution.
- The following is a partial list for some common cleaning and damage charges including parts and standard labor charges (all prices are subject to change, and may vary from hall to hall).

**BATHROOM:**

Sink 250.00  
Mirror 125.00  
Shower rod 75.00  
Shower curtain 25.00  
Shower door 150.00-200.00  
Soap dispenser 25.00  
Shower Seat 568.75  
Sanitary napkin box 45.00  
Toilet stall door 250.00-450.00  
Toilet paper holder 40.00  
Toilet unplug 100.00  
Toilet seat 75.00  
Toilet (tank only) 250.00  
Toilet replacement (wall hung) 165.00  
Toilet replacement (floor mount) 552.00  
Disassemble, take bowl off (unplug) 100.00

**FURNITURE:**

Barstool 210.00  
Bench 250.00  
Bunk bed (headboard, footboard, frame) 200.00  
Chest of drawers 275.00  
Coffee table 200.00  
Desk chair 175.00  
Desk chair seat or back 45.00  
Desk 290.00  
Desk bookcase 100.00  
End table 175.00  
Mattress 90.00  
Upholstered 3-seater 1000.00  
Upholstered 2-seater 900.00  
Upholstered 1-seater 600.00  
Upholstered repair-minimum 100.00

**DOORS/LOCKS/KEYS:**

Door 600.00  
Door closer 350.00  
Door handle-replace (set) 200.00  
Door lock-(complete replacement) 450.00  
Door refinish 50.00-100.00  
Lock core change:  
Single 120.00  
Double 130.00

Triple 140.00  
Quad 150.00  
Apartment/Suite front door lock/key 130.00-160.00  
Mailbox key 10.00

**FIRE SAFETY:**

Exit door alarm 450.00  
Exit door sign 425.86  
Fire alarm cover 162.76  
Fire extinguisher recharge 60.00  
Fire extinguisher replace 125.00  
Fire extinguisher box cover 35.00-60.00  
Heat/smoke detector 115.64  
Malicious/negligent fire alarm 500.00

**WINDOW:**

Window crank 27.10  
Window glass 150.00-700.00  
Window screen 25.00-100.00  
Window shade roller 75.00-265.00  
Window shade chain operated 75.00-250.00  
Vertical blind track-minimum 200.00

**EXTRAORDINARY CLEANING:**

Minimum charge 25.00  
After hours-minimum 175.00  
Biohazard clean-up-minimum 100.00  
Biohazard clean-up-after hours 175.00  
Disposal fee-carpet 75.00  
Disposal fee-furniture 75.00  
Disposal fee-food containers 10.00  
Personal trash removal-minimum 25.00  
Recycling item in wrong bin 15.00  
Graffiti clean-up (sq. ft.) 30.00  
Fire extinguisher discharge clean-up 250.00

**OTHER:**

Bulletin board 100.00  
Bulletin board content (replace) 25.00  
Cable jack box 30.00  
Carpet replacement (sq. yd) 50.00  
Carpet stain removal 25.00  
Ceiling tiles 25.00-75.00  
Ceramic wall/floor tile (sq. ft.) 50.00  
Closet door 125.00-200.00  
Dishwasher 500.00

Elevator damage repairs 500.00-1500.00  
Hub 30.00  
Hub power supply 50.00  
Hub long data cable 90.00  
Hub short data cable 25.00  
Light globe cover 25.00-100.00  
Light globe cover-New Hall 90.00-230.00  
Mailbox glass 15.00  
Mirror-room 30.00  
Nail/tack/dart hole-each 15.00  
Painting (sq. ft.)-minimum 25.00  
Sheet rock (sq. ft.) 50.00  
Sign replacement (varies w/type) 100.00-175.00  
Sink gooseneck spout 75.00-100.00  
Tape mark-minimum 10.00  
Tradesperson after hours (minimum) 183.84  
Vending damage (minimum) 200.00  
Water fountain 1500.00  
Camera and related equipment 2000.00

Note: Bent, damaged or broken keys will be replaced at no cost as long as there is no evidence of abuse.

- Additional, contractually-mandated charges will be assessed to individuals or residence halls as applicable for service calls on evenings, weekends and holidays:
  - Labor Charges/Electrician \$223.00 per occurrence
  - Labor Charges/Carpenter \$188.00 per occurrence
  - Labor Charges/Heating and Ventilation \$223.00 per occurrence
  - Labor Charges/Locksmith \$237.00 per occurrence
  - Labor Charges/Plumber \$212.00 per occurrence
  - Note: Facilities may change rates to comply with contractual minimums for these services.

### **E. Entry into Residence Hall Rooms**

- The University may authorize an administrative room entry or search based on reasons sufficient for the University to believe that the search will yield evidence that the resident is in violation of University/Residential Life policies.

- Residential Life conducts health and safety inspections of all residential areas including student bedrooms as needed to ensure that students are living in a safe, sanitary manner and in compliance with the Residential License Agreement (RLA). Residence Life will also conduct inspections before housing facilities are closed for breaks and holidays. Advance notice of these inspections will be given.
- University staff may enter residential areas to deliver confidential or sensitive communications between the University and the student.
- Maintenance and Facilities and Operations personnel or designees may enter student rooms at any time to perform needed work. Staff members are obligated to report any University policy violations noted during the room checks, and unapproved items may be removed from rooms.
- University staff may enter a room in emergency or ongoing situations which are believed to present immediate danger to students and/or property.
- Students should also be aware that search warrants, based upon probable cause that a crime has been/is being committed, are obtained by University Police as needed.
- Fire alarms may necessitate a health and safety check of each room to ensure building evacuation. Staff members are obligated to report any University policy violations noted during room checks and unapproved items may be removed from rooms.
- If in the course of any entry being made pursuant to this section, illegal or restricted materials are found in plain view, the materials will be removed, and the affected student will be notified of the confiscation and face possible discipline proceeding.

## **F. Facilities**

- **Bicycles/Motorcycles/Mopeds** - Bicycle storage areas are provided in most halls. Bicycles stored in public areas are safety hazards and will be removed. Students shall be notified in writing of the removal. Motorcycles/mopeds belong in designated parking areas only. It is expected that bicycles will be removed at the close of each semester. Any property left will be donated and removed.
- **Cleanliness** - Residents are responsible for cleaning and keeping their rooms, suites and apartments in a safe and sanitary manner and share responsibility for maintaining common areas such as kitchens, hallways, bathrooms, and lounges. Rooms, suites and apartments should not be decorated or arranged in ways that cause

safety issues or extraordinary cleaning (such as chalking or painting walls, affixing permanent additions in rooms, or other similar actions). Trash and recycling materials should be deposited regularly in the designated containers. Extraordinary cleaning charges are assessed to individuals or the hall as needed. During normal maintenance hours these charges vary, depending on the situation. After normal hours, the minimum charge is \$150 per incident.

- **Public Health Measures** - Members of the University community are expected to comply with all mandates of the CDC, MDPH, and associated policies mandated by the University. The University will conform to all policies as required by federal, state, and local public health officials. The University reserves the right to change policies and procedures at any time in the interests of safeguarding public health. Failure to comply with all University implemented public health policies and procedures will result in removal from the residence hall community and forfeiture of all room and meal plan charges.
- **Cable Television** - Unauthorized connection to or modification of cable lines is illegal and can result in civil, criminal, and/or student conduct action.
- **Fire Alarms**
  - All residence hall occupants must evacuate the building immediately when a fire alarm sounds and remain at least 25 feet from the hall. Exit using the CLOSEST fire door and learn alternate plans of escape if an exit is blocked and await instructions from staff regarding an assembly point as needed.
  - Any student who fails to evacuate a residence hall during a fire alarm shall be subject to sanctions up to and including loss of housing.
  - Any student found responsible for deliberately causing a false fire alarm or tampering with fire safety equipment is subject to immediate expulsion from the University. This includes covering, affixing items to, or disabling any fire equipment; and damaging fire exit signs or otherwise compromising building evacuation.
  - A \$500 charge is assessed to any building where an alarm is activated falsely, negligently or maliciously.
  - Students who cause an actual fire either intentionally or through negligence, or trigger an alarm through negligence face sanctions up to and including expulsion from the University and a \$500 service charge plus actual restitution for damages and clean-up.

- **Fire Safety**

- Lighting, heating, decorative, or cooking devices with an open flame or burner are prohibited. This includes all candles (even those without wicks), incense, incense burners, candle/wax warmers, and potpourri pots. Grills used for outdoor cooking must be used at least 25 feet away from all buildings. Candles, incense, incense burners, and non-approved appliances will be disposed of immediately upon discovery. Repeat violations will lead to sanctions up to and including loss of housing.
- Residence hall storage of gasoline, kerosene, lighter fluid, liquid propane or any flammable liquid, or machines using flammable liquids, is prohibited. Explosives, fireworks, and/or other hazardous materials may not be stored or used in or around the residence halls.
- In all residence halls the bedrooms, living areas, doorways, stairwells, windows and hallways must remain unobstructed. Nothing may be hung in any residence hall windows, doorways, or from the ceiling. At no time should sheets, blankets, or tapestries be hung on residence hall walls or ceilings or obstruct fire alarms. Wall decorations must not cover more than 30% of the wall space and should not be larger than '3X5'. Door decorations must not be affixed within one foot of the top or bottom, or within six inches of the side edges, of any door. Door decorations must not cover any room number, door lock, or handle.
- Residence hall fireplaces are decorative only and are prohibited to use.
- **Decorations:** Live trees and wreaths are not allowed. Lighted decorations may only be on when a person is in the room. Decorations must be fireproof and cannot cover hallways, exits or doors, appliances, or electrical fixtures and they must be removed in a timely manner. Any costs associated with damage from string lights and LED light strips will be assessed to the student during the damage billing process.
- The University reserves the right to remove hazardous materials or devices, or items that are being used in an unsafe manner. Confiscated items are typically disposed.
- Apartment Complex fire escape doors and stairwells are for emergency purposes only.
- Students must not damage, tamper with, cover or deactivate any fire safety equipment, whether in rooms (heat/smoke detectors, etc.) or common areas (pull stations, exit signs, etc.). Violations will lead to sanctions up to and including expulsion from the University and fines up to \$500.00.

- The University may require removal of any item, or establish conditions for its continued presence and use, in the interest of preserving a healthful and safe environment.
- **Common Areas** – Residence hall common areas include main lobbies, game rooms, student lounges, floor lounges, laundry rooms and other spaces. To preserve a comfortable living environment for all residents, please respect these shared areas. In particular, common area furniture and equipment provided for community use are NOT to be removed for personal use within a room. Students found with such items in their rooms face student conduct action, possible criminal charges for theft of state property, and will be charged a \$100 service charge per item.
- **Repairs** – Many repairs can be completed by your hall's maintenance staff. If you need a room repair or see a damaged item in a public area, please submit a maintenance request through MyHousing. For major health/safety issues, please inform an RA, Area Coordinator, Assistant RD, Maintainer or University Police immediately. Please remember that most facilities and maintainer staff members typically work 'first shift' hours (6am-2pm), so non-emergency requests made later in the day are unlikely to receive attention until the following day at the earliest.
- **Roofs** – Residents are prohibited from entering and accessing residence hall roofs, balconies, and exterior landings as they are not designed for resident use; violations will lead to sanctions up to and including a loss of housing.
- **Room Furniture**
  - Do not put beds on radiators, cinderblocks, or other furniture. Do not place mattresses on the floor. Waterbeds are not allowed.
  - Desk bookshelves must remain affixed to the desktops.
  - Do not remove closet doors or stack room furniture unless that furniture is designated to be stackable (New Hall end tables, University Hall dressers).
  - Students are not allowed to bring large, upholstered furniture made for home use (including futons and beanbag chairs) into the residence halls, as they do not meet strict state-mandated standards for residence hall fire retardance.
  - Students shall not make any changes or alterations to any on-campus property. This shall include, but not be limited to, the addition or changing of any locks, removal of window screens, the alteration of the heating or lighting fixtures, or the painting of any surface. No University room furnishings may be altered from their intended design or removed from the room by the resident or their guest(s).

- Students are permitted to bring a personal desk chair. However, the University desk chair must remain in the room.

## **G. Guest and Visitor Policies**

- **Definition** – a guest is defined as any non-student who is visiting the University. A visitor is defined as any student who is not currently assigned as a resident of that particular residence hall and/or room.
- Residents are responsible for the behavior and actions of their guests. Hosts must ensure that guests abide by all University and residence hall policies. Guests of Westfield State University students will be banned from campus and face possible civil/criminal action for policy violations.
- Visitors who are Westfield State University students face loss of visitation privileges and possible additional student conduct action as well as possible civil/criminal action for University policy violations.
- The rights of Westfield State University residents shall take precedence over the rights of guests/visitors. Specifically, residents have the right to restrict guest/visitor presence in their own rooms, particularly in the case of overnight guests/visitors.
- A guest's/visitor's stay may not exceed three (3) overnights in any week (Monday-Sunday). An extended pattern of visitation which, in the judgment of the Residential Life staff, indicates illegal residence in a building or disrespect for a roommate's rights may lead to immediate removal and/or loss of sign-in privileges for the guest/visitor; and disciplinary actions, reassignment to another room, and/or loss of guest/visitor hosting privileges for the resident.
- **Guest Sign-In**
  - Any guest must be signed in and escorted at all times by the host. Failure to follow correct sign-in policy will result in removal of the guest from campus and loss of guest visitation privileges for the host.
  - Current Westfield State University students and visitors must provide a valid University ID upon request of Residential Life staff member or other University official as requested. Repeated failures to present ID as requested will lead to more stringent sanctions up to and including loss of housing.
  - Except for specially approved programs or circumstances, no guest under the age of 16 years of age will be permitted to be signed into a residence hall without the presence of their parent or guardian.

- Any guest who is under 16 or 17 years old must provide a valid ID and a document indicating date of birth (these may be the same document) and an emergency phone number as well as a completed authorization form for the visit from a parent or guardian – this form is available on the Residential Life webpage. University staff members may call to confirm authorization for a visit. Underage guests who violate University policies will be required to leave and face parental notification.
- Any guest 18 years of age and older must provide a valid picture identification upon request of a University staff member and a document indicating date of birth (these may be the same document). Failure to provide valid identification will result in immediate guest removal.
- A resident may host up to two guests and/or visitors at any one time.
- At any time, each traditional room or apartment is limited to a maximum of three (3) times the number of residents present.
- Commuters are welcome to visit the residence halls under previously stated guidelines.
- Guest/visitor policies may be changed at specially designated times such as Spring Weekend and other times as identified by the Dean of Students.

#### **H. Keys and Residence Hall Access**

- Residence hall access keys and cards belong to the University and are assigned to residents for their personal use only. Students are responsible for carrying assigned keys and ID card at all times. Keys and ID cards are not to be loaned to anyone for any reason.
- Lost keys – Report to your Area Coordinator or Assistant RD immediately so a lock change can be done. Students will be charged for a lock change for any keys that are lost or not returned.
- Lockouts – Call University Police (x5262). The lockout service charge is \$15.
- Unauthorized possession or use of a University key or ID not officially issued to the student, duplication of any University key or ID, or loaning of a University key or ID issued to the student or any other person is a major offense and may result in suspension from housing or the University.

#### **I. Occupancy Issues**

- **Eligibility** – Full-time (at least 12 credits) Westfield State University undergraduate Day students have first priority for on-campus housing. Housing is available for part time students (less than 12

credits) as space is available. Graduate student housing is available

for any student who has been admitted to a graduate program at the University. Eligible students must also sign the Residence License Agreement (RLA), and pay all bills in full.

- The RLA found in MyHousing applies to both the fall and spring semesters; it sets forth the terms and conditions for living in the residence halls. It explains room assignment, billing, withdrawal and refund procedures, lists policies and outlines meal plan information. A signed Agreement is required of all residents; an electronic confirmation of your completion of these forms and a copy of the documents will be emailed to your University email address. Housing Deposits are non-refundable. Students who seek to leave housing before the end of the academic year are subject to a \$750.00 Cancellation Fee following an approved petition for release.
- **Check-In/Check-Out Procedures**
  - Upon arrival, students are required to check into their assigned room according to the published check-in procedures. This requires you to review and electronically sign a Room Condition Report (RCR) in your MyHousing account. When you leave housing or change rooms/buildings, check out with a Residential Life Staff member, electronically sign your RCR and return the key(s). Failure to return your RCR within 48 hours of check-in will result in the assumption that the room was in satisfactory condition upon arrival.
  - Failure to properly check in or out of a room will lead to a \$50 fee plus applicable lock change fees.
  - To avoid charges, room must be in the same condition as move-in. Room cleaning fees will be assessed. A per item removal charge will be assessed for large items such as carpets and furniture.
  - For students leaving housing during the University refund period no refund can be considered or processed until a resident has officially checked out of their assigned space. Any check-out done after regular business hours (Monday-Friday, 9:00a.m.-5:00 p.m.) will be processed as being effective on the next regular business day.
  - Students no longer in housing who do not retrieve personal belongings within 72 hours of departure will be charged for disposal and/or donation of items.

- **Room Changes**

- See also: Residential License Agreement Terms and Conditions.
- The University is unable to guarantee that preference and roommate requests will be honored and reserves the right to assign a student to another room or residence hall at any time for reasons deemed sufficient by the University.
- Room changes requested in response to roommate conflicts are generally considered only after other options and educational processes have been explored.
- Students requesting to be re-assigned may be asked to take an active role in determining which available space is likely to be most successful for them.
- While individual needs weigh heavily in all decisions regarding room requests, the needs of the campus residential community-at-large and the integrity of the room allocation process are also key considerations.
- All room changes must be approved AND scheduled in advance with the Department of Residential Life.
- When a student moves out of a room, it is the responsibility of the remaining resident (s) to rearrange furniture and storage space to accommodate a newly assigned roommate in anticipation of their arrival.
- All housing selection and room change processes and timeliness occur at the discretion of Residential Life and are subject to change.
- Students must not reside in on-campus spaces other than the ones to which they are assigned, and for which they are issued keys. Unapproved room changes completed by students without prior approval from the Department of Residential Life will result in an illegal room change fee of \$50.00.
- All room assignments are subject to change by Residential Life at any time. The University reserves the right to reassign a resident to another residence hall space at any time for reasons deemed sufficient by the University, and the RLA will remain in effect and will apply to the student's occupancy of the other space.
- In case of serious roommate conflicts in which residents are unable to resolve the situation, the Department of Residential Life will intervene and may, at its discretion, move any or all students involved in the interest of resolving the immediate conflict and preserving an appropriate living/learning environment.

- Vacation periods and semester breaks – All residence halls are closed during official University breaks and may only be entered by students registered for interim housing. Residents are to vacate the residence halls within 24 hours of their last final exam or by closing on the last day of finals, whichever comes first unless registered for interim housing during University breaks. Associated fees, contract terms, and restrictions will be at the discretion of the Department of Residential Life.
- Under-Capacity Rooms, Suites, and Apartments – The University, at its option, may choose to do any of the following regarding residents living in undercapacity rooms: 1) place a student in the empty space; 2) have students in partially full rooms move in together; 3) allow students living in undercapacity rooms to pay a premium single fee to retain the room at its current, reduced capacity for the remainder of the semester.
- Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to campus to live after their suspension is complete.
- Residence hall suites and apartments may be co-ed provided all of the students living in those areas in agreement.

### **J. Personal Belongings**

A resident is responsible for their guest and their guest's belongings. Except as required by law, the University does not assume responsibility for loss of, or damage to, personal articles damaged by fire, theft, or other causes. Residents are encouraged to acquire personal property insurance coverage. For more information please visit the Department of Residential Life website or <https://www.nssi.com>.

### **K. Pets**

All animals are prohibited in the residence halls with the exception of:

- Service and support animals approved as an accommodation by the Banacos Center. A resident with a disability who would like to request the use of a service or support animal due to that disability must make this request through the Banacos Center by August 15th for the next academic year (or by January 15th for the Spring semester occupancy).
- See: Support Animal Policy
- Fish, defined as gill-bearing aquatic craniate animal that lacks limbs with digits. A maximum of one aquarium no longer than five (5) gallons is permitted in a residence hall room.

- When departing for the semester breaks or any period greater than seventy-two (72) consecutive hours for fish, or the number of hours determined by the student and the Banacos Center for other animals, residents are required to take all animals with them and the aquarium must be unplugged.

#### **L. Posting Policy**

- All posters, notices, petitions, and other publicity must be approved at the Office of Residential Life prior to posting in Common areas. Approved items will then be posted in the halls in appropriate areas. Posters may not be placed on windows, painted surfaces, or stairwells. Students/groups/organizations must be clearly identified on any postings. Items posted improperly will be discarded.
- Individuals and groups wishing to advertise events or services that may be of interest to on-campus residents should contact the Department of Residential Life for permission. The Director of Residential Life reserves the right to refuse permission to advertise for those events or services that promote the use of alcohol or are insensitive to members of the campus community. Approved items will be then posted in the halls by the Residential Life staff in appropriate areas.

#### **M. Quiet Hours/Courtesy Hours**

- Quiet hours are set by the City of Westfield Noise Ordinance. "Consideration hours" are when students should respect the needs of others and take place outside of the designated quiet hours. The rights of students to study and rest take precedence over all other considerations. Campus-wide quiet hours are:
  - Sunday – Saturday  
10:00p.m. – 7:00a.m.
- If residents have a concern about noise, first attempt to resolve the matter with the student involved. If the resident still needs assistance, contact Residential Life or University Police.
- The following are always violations of quiet/consideration hours:
  - Use of sound equipment (amplifiers, subwoofers, air horns, etc.) which can reasonably be expected to inhibit residents' study or sleep;
  - Participation in sports activities in or near the residence halls;
  - Immediately preceding and during final exams, quiet hours are in effect 24 hours a day. Quiet hours violations during this crucial period can result in removal from University housing for the remainder of the semester.

## N. Safety and Security

- **Doors** – To maintain a safe environment, common doors that provide access to residential areas are locked at all times. These doors can be opened with a University ID card. Other entrance doors are typically locked and alarmed at all times unless otherwise specified in your hall. Exterior doors should never be propped open; violators will be subject to sanctions. University Police, Residential Life and other staff members provide coverage for each hall as assigned. For the protection of the community, students are expected to present their valid University ID entering a residence hall whenever the desk is staffed or as requested.
- **Weapons** – Possession, storage, or use of any weapon or other similar potentially dangerous or illegal device is prohibited on the University campus. Having a weapon or similar potentially dangerous devices in the residence halls, regardless of whether or not the weapon is considered by the owner to be a decorative toy, sporting, or collectible item, is a major offense.
- **Windows/screens** – For safety reasons, dropping, dumping, throwing objects or liquids from windows, leaning out of windows, entering or exiting a hall through a window, and placing yourself or property outside a window, on a window sill or building ledge are prohibited. Screens must remain in place at all times or a \$50 screen replacement service charge will be assessed.
- **Cameras** – Westfield State University employs a security camera system in residence hall public areas. The surveillance of public areas is intended to deter crime and assist in protecting the safety and property of the University and its community members. “Public areas” are areas made available for use by the public including, but not limited to, campus grounds, parking areas, building exteriors, lobbies, hallways, entrances, and exits. Areas of the University in which persons would not have a reasonable expectation of privacy, and to which access is restricted to certain people, such as storage areas and residence hall hallways, shall be considered public areas for the purpose of this Policy. The University shall undertake all appropriate measures to protect an individual’s right to privacy and to maintain security camera information securely through its creation, storage, transmission, use, and deletion. “Private areas” are areas in which a person has a reasonable expectation of privacy, including, but not limited to, residence hall rooms, bathrooms, shower areas, locker rooms and changing rooms. Areas dedicated to medical, physical or mental health therapy or treatment shall also be considered private areas for the purpose of this Policy.

- **Behavior** – Students are accountable for any behavior that infringes on individual and group rights, and/or jeopardizes the health and safety of individuals and property. All residents have equal rights to use of lounge areas, hallways, bathrooms, and other common spaces and agree to respect the rights of other students in such areas. These facilities include, but are not limited to, study lounges, main lounges, recreation rooms, laundry rooms, and public bathrooms. Any student found to have jeopardized the health and safety of another individual may result in that student’s dismissal from the housing facility or other sanctions in accordance with University administrative procedures.

**O. Smoke Free/Tobacco Free Campus**

- Smoking and/or the use of tobacco products will not be permitted on any University property or University leased property including buildings, grounds, walkways, parking lots, wooded areas and all other property owned or operated by the University. The only exception to this prohibition is that the smoking of cigarettes only may be allowed in designated areas approved by the University President and marked by appropriate signage (See Smoke Free/Tobacco Free and Marijuana Free Campus Policy).

**P. Solicitation**

Non-University commercial activities, solicitations or advertisements are prohibited in or near University residence halls.

**Q. Meal Plans**

All residential students are required to have a meal plan. Eligibility is by class year: first, second, third, fourth and commuters. All meal plans are to be purchased through MyWestfield under MyHousing/Dining. Changes to meal plans must be done before the start of the semester.

**REVIEW**

Policy changes – Changes or updates in Residential Life policies and procedures shall be implemented after written communication from the Director of Residential Life, or the Dean of Students. The Residence Hall Association may also choose to strengthen a policy by majority vote of the Association and approval by the Director of Residential Life but may not weaken or change its intent. All policies shall be reviewed annually by the Dean of Students.

# NOTIFICATION OF STUDENT RIGHTS UNDER FERPA

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, affords students certain rights with respect to their education records. They are:

- The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the registrar, vice president of academic affairs, academic department chair, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
- The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask Westfield State University to amend a record that they believe is inaccurate or misleading. They should write to the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

Unless a student specifically requests in writing that their prior consent be obtained, an educational institution may make public "Directory Information" about a student, which at WSU includes:

- student's name
- campus address
- campus telephone listing
- home address

- home telephone listing
- date and place of birth
- school or college
- major field of study
- photograph
- participation in officially recognized activities and sports
- weight and height of member of athletic teams
- dates of attendance
- degrees and awards received
- campus e-mail
- enrollment status (full time or part time)
- most recent previous educational agency or institution attended by the student.

A request made by students to suppress from public distribution the above mentioned information is to be made in writing and submitted to the Office of the Registrar. The request will remain in effect until the student notifies the Office of the Registrar, in writing, of their decision to reverse their original request to suppress.

As this law is interpreted at Westfield State University, the University may not release information about a student's academic performance or any other aspect of a student's University life to anyone, including the student's parents, without the written authorization of the student. If a student is declared as a dependent on a parent's Federal Income Tax Form, the parent has a right to this information. It is up to the parent to establish the dependent status of the student, or to the student to provide written authorization to the University to release such information to the parent.

Westfield State University will disclose information from a student's education records only with the written consent of the student, except:

- To teacher and school officials who have a legitimate educational interest in the records. A school official is:
  - A person employed by the University in an administrative, supervisory, academic or research, or support staff position,
  - A person appointed to the Board of Trustees, or
  - A person/agency employed by or under contract to the University to perform an institutional service or function for which the University would otherwise use employees.

- A teacher or school official has a legitimate educational interest if the official is:
  - Performing a task that is specified in their position description or by a contract agreement,
  - Performing a task related to a student's education,
  - Performing a task related to the discipline of a student, or
  - Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid;
- To teachers and officials of another school, upon request, in which a student seeks or intends to enroll;
- To certain officials of the U. S. Department of Education, the Comptroller General, the Attorney General of the United States, and state and local educational authorities, in connection with certain state or federally supported education programs;
- In connection with a student's request for or receipt of financial aid, as necessary, to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;
- If required by a state law requiring disclosure that was adopted before November 19, 1974;
- To organizations or other outside researchers conducting certain studies for or on behalf of the University;
- To accrediting organizations to carry out their functions;
- To parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986.
- To comply with a judicial order, lawfully issued subpoena, and/or applicable sections of the US Patriot Act.
- To appropriate parties in a health or safety emergency;
- In connection with public information provided to the institution concerning registered sex offenders;
- To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. This disclosure may only include the final results of the disciplinary proceeding conducted by the university. The University may disclose the results of the disciplinary proceeding, regardless of whether the university concluded a violation was committed.
- The University may disclose only the final results of a disciplinary proceeding at the university if the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and the student has been found responsible for a violation of the university policies. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student.

- Notification to the parent or legal guardian of students under twenty-one (21) years of age each time they have been found responsible for University alcohol and/or other drug policy violations. The University shall exercise discretion not to notify the parents/guardian based on documented evidence of an abusive family situation.
- If the University initiates legal action against a parent or student or if the University is the subject of legal action, the university may disclose to the court the student's educational records that are relevant to proceed with legal action as either the plaintiff or defendant.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by Westfield State University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue, SW  
Washington, DC 20202-4605

Further information on the Family Education Rights and Privacy Act of 1974 may be obtained from the Office of the Registrar or the Dean of Students. The full University policy may be found under "Student Record and Privacy Regulations."

## STUDENT RECORD AND PRIVACY REGULATIONS

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, affords students certain rights with respect to their education records; 1) the right to inspect and review education records, 2) the right to request the amendment of an education record, 3) the right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent; and 4) the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The following policy outlines in more detail students' rights and the Westfield State University procedures available to students in securing those rights under FERPA.

### **A. To Whom do These Regulations Apply?**

- These regulations apply to all presently or formerly enrolled students, but not to applicants currently seeking, having been denied admission, or choosing not to enroll at the University.
- These regulations are published annually in the Student Handbook.

### **B. To What Records do These Regulations Apply?**

- These regulations apply to “education records” originating from the university or from other educational institutions and are defined as “records, files, documents, and other materials which...contain information directly related to a student” and “are maintained by an educational agency or institution.”
- Broadly defined and outlined on the following page is a description of the types of records maintained by the University and the designated custodian of each type of record:

<b>TYPE OF RECORD</b>	<b>CUSTODIAN OF RECORD</b>
Academic, Undergraduate	Registrar
Academic, Graduate	Dean, College of Continuing Education
Admissions, Graduate	Dean, College of Continuing Education
Admissions, Undergraduate	Director of Admissions
Athletics	Director of Athletics
Disciplinary	Dean, Student Affairs
Student Accounts	Director, Student Accounts
Financial	Vice President, Administration and Finance
Education (Student Teaching)	Dean of Education

TYPE OF RECORD	CUSTODIAN OF RECORD
Financial Aid	Director, Financial Aid
Career Services	Director, Career Services
Veterans and Military Services	Veteran and Military Service Coordinator
Education (Student Teaching)	Dean of Education
Personal	Vice President, Enrollment Management and Student Affairs
Residential Life	Director, Residential Life
Title IX	Associate Vice President, Human Resources, Title IX and Equal Opportunity

- The term “education records” does not include:
  - Personal files of faculty and administrative staff personnel which are in the maker’s sole possession and not accessible or revealed to any other person except to a substitute who performs the maker’s duties for a temporary period.
  - Law enforcement records created by University Police which are kept separate from education records, are maintained for law enforcement purposes only, and are available only to law enforcement officials. Records created by University Police but maintained or used by another component of the university, for non-law enforcement purposes, are not considered law enforcement records.
  - Medical, psychiatric, or psychological records created and used only for the treatment of a student and available only to those providing the treatment, however, a physician or other appropriate professional of the student’s choice may review such records.
  - Employment records of nonstudent employees of the university which relate exclusively to said employee in their occupational

- capacity and are not available for use for any other purpose.
- Alumni records that the university receives or creates after an individual no longer attends the institution and that do not directly relate to the individual attendance as a student.
- Grades on peer graded papers before they are collected and recorded by an instructor.
- The University maintains records in many mediums including, but not limited to handwriting, e-mail, electronic, print, tapes, microfilm, and microfiche.

### **C. Public/Directory Information**

The University may, at its discretion make public the following information about a student unless the student specifically requests in writing that their prior consent be obtained: "Directory Information" includes a student's name, campus address, home town/city and state, date and place of birth, school or University, major field of study, photograph, participation in officially recognized activities and sports, weight and height of member of athletic teams, dates of attendance, degrees and awards received, campus e-mail and enrollment status (full-time or part-time), and the most recent previous educational agency or institution attended by the student. Requests to suppress from public distribution the above-mentioned directory information are to be made in writing by the student and submitted to the Office of the Registrar. Requests to suppress directory information remain in effect until the student notifies the Office of the Registrar, in writing, their decision to reverse their original request to suppress.

### **D. Access Rights of Students**

- Parent's Financial Records and related parental financial information shall not be released to students. Any university office maintaining such records shall either store such records in a file separate from records subject to review or conspicuously stamp records "CONFIDENTIAL-NOT TO BE RELEASED."
- Confidential evaluations and recommendations of students placed in education records prior to January 1, 1975, need not be released to students. All other education records of a particular student shall be open for inspection by that student unless access is restricted under paragraph #3 of this section.
- A student may waive their right of access to evaluations and recommendations submitted on or after January 1, 1975, with regard to admission to any educational agency or institution, an application for employment, or the receipt of an honor or honorary recognition, provided however, that the student must, upon request,

be notified of the name of each person who has submitted such a confidential evaluation or recommendation; such evaluations and recommendations to be used only for the purpose intended; and a waiver may not be required as a precondition of admission to the institution or receipt from the institution of financial aid or any other services or benefits.

#### **E. Disclosure of Educational Records**

- The University will disclose information from a student's education records only with the signed and dated written consent of the student, which includes the specific record to be disclosed, the purpose of the disclosure, and the parties to whom the disclosure should be made.
- The University may disclose information from a student's record without their consent under the following exceptions:
  - To teacher and school officials who have a legitimate educational interest in the records. A school official is:
    - A person employed by the University in an administrative, supervisory, academic or research, or support staff position,
    - A person appointed to the Board of Trustees, or
    - A person/agency employed by or under contract to the University to perform an institutional service or function for which the University would otherwise use employees.
  - A teacher or school official has a legitimate educational interest if the official is:
    - Performing a task that is specified in his or her position description or by a contract agreement,
    - Performing a task related to a student's education,
    - Performing a task related to the discipline of a student, or
    - Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid;
  - To teachers and officials of another school, upon request, in which a student seeks or intends to enroll;
  - To certain officials of the U. S. Department of Education, the Comptroller General, the Attorney General of the United States, and state and local educational authorities, in connection with certain state or federally supported education programs;
  - In connection with a student's request for or receipt of financial aid, as necessary, to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid;

- If required by a state law requiring disclosure that was adopted before November 19, 1974;
- To organizations or other outside researchers conducting certain studies for or on behalf of the University;
- To accrediting organizations to carry out their functions;
- To parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
- To comply with a judicial order, a lawfully issued subpoena, and/or applicable sections of the US Patriot Act;
- To appropriate parties in a health or safety emergency;
- In connection with public information provided to the institution concerning registered sex offenders;
- To the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. This disclosure may only include the final results of the disciplinary proceeding conducted by the University. The university may disclose the results of the disciplinary proceeding, regardless of whether the university concluded a violation was committed;
- The University may disclose only the final results of a disciplinary proceeding at the University if the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and the student has been found responsible for a violation of the university policies. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student;
- Notification to the parent or legal guardian of students under twenty-one (21) years of age each time they have been found responsible for University alcohol and/or other drug policy violations. The University shall exercise discretion not to notify the parents/guardian based on documented evidence of an abusive family situation;
- If the University initiates legal action against a parent or student or if the university is the subject of legal action, the University may disclose to the court the student's educational records that are relevant to proceed with legal action as either the plaintiff or the defendant.
- Records released to any organization, agency, or individual shall be forwarded with notification that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the student except as provided by law.

- Each office which maintains education records shall maintain a record of each student which shall list all individual agencies or organizations which have requested or obtained access to such student's education record, except as provided by law.

#### **F. Procedures to Follow to Access a Record**

- A request by a student or agency to inspect a record shall be made in writing to the custodian of the record or to the University Records Liaison Officer.
- If necessary, the Records Liaison Officer will contact the custodian of the education record requested.
- The student or agency will contact the Records Liaison Officer in approximately seven (7) days from the date of request to inquire about the completion of the processing procedure (This date must be no more than forty-five (45) days after the receipt of the request).
- The student or agency will contact the custodian of the education record requested to inspect their education record.
- Every office is obligated to tell a student who has accessed their record and why, except as provided by law.
- Every office is obligated to maintain a record of the persons or agencies who have had access to the record, except as provided by law.
- Students are obligated to properly identify themselves (student ID) before being shown their records.
- Students are obligated not to interfere with the operation of the office in which the record is being maintained.
- Students are obligated to examine the record during reasonable hours at the place the record is being maintained.
- Prior to giving a student their record for examination, all confidential data as outlined in Section D above will be removed.
- The examination of the record shall be supervised.
- The student may request and receive copies of their education record at a cost of \$1 for first sheet and \$.50 per additional page.

#### **G. Destruction of Records**

- Only the permanent card (transcript) containing a student's academic record will be considered a "permanent educational record" and will be retained.
- The destruction of student education records shall be consistent with Massachusetts state law and the current Massachusetts State Records Retention Schedule. In the event that state law and the Records Retention Schedule differ, state law shall prevail.

- Information regarding the procedures and timetable for the destruction of each specific type of education record are available through the custodian of that record.

#### **H. Challenge to Contents of Record**

- After reviewing a record, a student has the right to challenge the contents of the record as being inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. A student may not challenge the correctness of a grade which has been assigned to their performance in a course but may challenge the accuracy of the recording of the grade. Challenge to the contents of records can be made as follows:
  - Upon deciding that some aspect of their records are inappropriate, the student shall so inform the designated person in the office where their records are maintained and shall attempt to resolve the problem through informal discussion with such person and the person in charge of that office.
  - If no agreement is reached through informal discussions, the student may submit in writing to the Vice President of the division responsible for the record, a request for a hearing, in order to challenge the contents of the record.
  - The hearing date will be scheduled within two (2) weeks (fourteen days) of the receipt of challenge request. All parties (student, custodian, and author) will be notified (Student may be accompanied by counsel of their choice).
  - All parties to the hearing will be requested to be present (student, custodian, and author).
  - The hearing will be conducted by the Vice President of the division responsible for the record with all parties given the opportunity to present evidence and to ask questions of each other. The hearing officer (the Vice President of the division responsible for the record or his/her designee) may ask questions of each party and request any information not provided. The hearing will be audio taped.
  - The decision of the hearing officer will be communicated to all parties in writing within two (2) weeks (fourteen days) after the hearing.
  - The decision of the hearing officer may be appealed in writing to the President of the University within two (2) weeks (fourteen days) of notice of the decision by any of the parties. The tape will be made available in a supervised setting to the individual appealing the decision.

- The President will review the tape of the hearing, all written material presented, and any additional written material similarly made available to all parties.
- The decision of the President regarding the appeal will be communicated to all the parties in writing within two (2) weeks (fourteen days) of receipt of the written appeal.
- If the decision of the President does not result in an alteration of the education record as requested by the student, the student has the right to place with the education record a statement outlining their concern with the information contained in the education record and/or their reasons for disagreeing with the outcomes of the hearing and appeal. This statement shall remain a part of the record as long as that record is maintained by the institution and shall always be released with the record to an authorized party.

### **I. Special Note**

If you have any questions about the Family Education Rights and Privacy Act, or if you have problems in securing your rights under this Act, you may call (202) 732-2057 or write to: Family Policy and Regulations Office, Department of Education, 400 Maryland Avenue, S.W., Room 1087, Washington, DC 20202-4605. The contact persons for inquiries regarding FERPA or the University's Student Records and Privacy Regulations is the Registrar, 579-3200.

## **SUPPORT ANIMAL POLICY**

Westfield State University is committed to making its educational programs and facilities accessible to people with disabilities. By policy, animals are not allowed in residential and administrative buildings on campus. However, a reasonable accommodation of a support animal in a student's residence will be determined on a case by case basis as a modification to this policy. Students who require a support animal as a reasonable accommodation must register with the Banacos Academic Center as a student with a disability, fill out the Center's reasonable accommodation request form and provide appropriate supporting documentation. This accommodation must be requested by the student annually. The University reserves the right to amend or make changes to this document as deemed necessary. Support animals are not allowed in any building on campus other than the assigned residence of the student approved from the reasonable accommodation. Since these guidelines are primarily put into place to protect the health and safety

of the handler, other community members, and the animal itself, please be aware that failure to abide by these guidelines may result in the immediate removal of the animal and/or Student Conduct Action.

- The student, hereinafter referred to as the “handler”, has sole responsibility for the care and conduct of the support animal. The University is not responsible for the care, conduct or supervision of any support animal.
- The handler must abide by all state and local laws regarding animals. The handler must provide the following to the Banacos Advisor when registering a support animal:
  - Proof of legally required vaccinations if the approved animal is a dog, cat, or ferret.
  - Proof of licensing in the City of Westfield if the approved animal is a dog.
- When an animal is taken out of the handler’s room/apartment/suite it must be kept harnessed/leashed or in a carrier, crate or cage under the control of the handler. Animals must not be left unattended when outside of the handler’s room.
- Animals must remain in the handler’s room/apartment/suite. Requests for expanded approval in other areas of the handler’s assigned residence hall must be approved by the Area Coordinator/Assistant Residence Director.
- The handler is responsible for utilizing the following approved waste guidelines:
  - Animals that make waste outdoors should do so on grass-covered areas. The Woodward Center, athletic fields, and areas being used by Intramurals are prohibited. The handler is responsible for immediate cleanup of the animal’s waste.
  - Animals who make waste indoors will need to have a litter box or other appropriate receptacle provided by the handler located in the handler’s bedroom. The handler is expected to clean waste receptacles regularly.
  - All animal waste must be disposed of in a designated trash receptacle outside of the residence hall.
- Animals, their crates, litter boxes and other related materials must be kept clean in an area designated by the Environmental Services staff in the handler’s residence hall. The handler will need to coordinate the use of the designated area with Environmental Services staff and Area Coordinator/Assistant Residence Director of the handler’s residence hall.

- The animal must not be left alone in the residence hall for more than \_\_\_ consecutive hours (number of hours designated in individual agreements signed with Banacos Advisor). When leaving campus for more than the number of hours identified above, the animal must accompany the handler and may not be left in the care of another student.
- When the animal is left alone in the handler's room the animal should be appropriately crated or caged to ensure it does not escape in case University staff need to enter the room.
- Animals must not constitute a direct threat to the safety of the handler or others.
- Animals must not make excessive noise that has the potential to disrupt other community members.
- The handler is presumed financially responsible for property damage caused by the animal including, but not limited to, cost of repairs, replacement or extraordinary cleaning of facilities or furnishings and any bodily injury or personal injury caused to other persons by the animal. Massachusetts General Law, Chapter 140, Section 155 includes additional liability information for handlers with dogs.
- Violations of these guidelines may be documented and reported to the Area Coordinator/Assistant Residence Director of the handler's residence hall including observed violations by staff or others as well as violations discovered during Health and Safety Inspections.
- The handler is responsible for notifying the handler's Banacos Advisor if the handler decides to no longer have their animal on campus.
- Since these guidelines are primarily put into place to protect the health and safety of the handler, other community members, and the animal itself, please be aware that failure to abide by these guidelines may result in immediate removal of the animal. Failure to abide by these guidelines is a violation of the Student Code of Conduct. Students violating these guidelines will be referred to the Student Conduct office.

In cases where the University determines it necessary to remove an animal from the residence halls, the University may board the animal at the place of its choosing until the emergency contact can retrieve the animal. The handler will be responsible for all costs associated with the removal and boarding of the animal.

# STUDENT TRAVEL POLICY

## PURPOSE

To define the Westfield State University guidelines to be taken in connection with Department-sponsored and Student-sponsored travel.

## POLICY

All travel by University students and advisors is to be funded according to the Commonwealth of Massachusetts (state) laws and regulations and University policies and procedures. The student traveler in addition to the student advisor(s) is responsible for ensuring adherence to applicable travel policies and procedures as outlined in the University Travel Policy (0390) and the Student Advisor Manual. All travel is contingent on available funds.

- All travel funds will be allocated by the Vice President for Administration & Finance to the appropriate department cost center under the approval of the area Vice President on an annual basis. Departmental travel expenses and student travel expenses are limited to and shall not exceed the amount budgeted and allocated.
- In determining the use of travel funds, departmental and administrative area supervisors and Vice Presidents shall consider the extent to which participating in the travel or activity requested will primarily benefit the University and the student.
- Reimbursements for travel related expenses must follow all University policies and procedures, state laws and regulations, and the applicable collective bargaining agreements regardless of the source of funds. Travel procedures and forms can be found on myWestfield > Documents > Administration and Finance > Travel Information.
- Prior to any travel, funds must be pre-approved and encumbered on a Request to Travel Form using the travel procedures.
- The University shall not reimburse any expenses for persons accompanying an advisor or student on a trip (i.e. spouse, child, guest, pet, etc.).
- Student travel is restricted to students registered with the University and must be approved in advance by the President or a Vice President. Such travel must contribute directly to the student's education or benefit the University.

- In accordance with the Massachusetts Conflict of Interest Law (G.L. c.268A), employees/advisors are prohibited from earning personal frequent flier miles, hotel rewards, and other rewards or points during state or university funded travel.

### **TRAVEL ARRANGEMENTS**

All University travel shall be arranged through the Institutional Travel Manager to include, but not limited to airfare, hotels, car rentals and conference registrations.

### **NON-REIMBURSABLE EXPENSES**

Expenses of a personal nature, unreasonable or excessive expenditures, and those not specifically related to the conduct of University business are not reimbursable. Types of expenses that will not be reimbursed include, but are not limited to:

- Alcohol;
- Excessive or extravagant costs (e.g. exclusive restaurants and hotels);
- Personal entertainment;
- Travel insurance;
- Traffic, toll, or parking violations;
- Insurance for a personally owned car;
- Articles stolen from a personal or rental car; and
- Briefcase and luggage purchases.

### **REVIEW**

This policy will be reviewed every three years by the Vice President for Administration and Finance and/or the Dean of Students.

## **TITLE IX – SEXUAL HARASSMENT POLICY**

### **Article I. Policy Introduction**

Together, Bridgewater State University, Fitchburg State University, Framingham State University, Massachusetts College of Art and Design, Massachusetts College of Liberal Arts, Massachusetts Maritime Academy, Salem State University, Westfield State University, and Worcester State University (collectively, “the Universities”) are committed to maintaining safe and healthy learning, living, and working environments that are free from all forms of discrimination and harassment.

Consistent with their commitment, the Universities do not discriminate on the basis of sex in the education program or activity that they operate, and are required by Title IX of the Education Amendments of 1972 (“Title IX”) to not discriminate in such a manner. The requirement not to discriminate in the education program or activity extends to admission and employment. Inquiries about the application of Title IX to the Universities may be referred to each respective institution’s Title IX Coordinator, to the Assistant Secretary of the Office for Civil Rights, or both.

This Title IX Sexual Harassment Policy (“Policy”) prohibits sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation as defined under Title IX and outlines the procedures for resolution of reports of these behaviors. The Universities provide educational and prevention programs, services for individuals who have been affected by discrimination and harassment on the basis of sex, and accessible, timely and equitable methods of investigation and resolution of complaints.

Previously known as the “Sexual Violence Policy,” the Title IX Sexual Harassment Policy has been amended, and renamed, to be consistent with the Title IX Regulations that became effective August 14, 2020. Additionally, this policy is intended to comply with the reauthorized Violence Against Women Reauthorized Act of 2018 (“VAWA”), including the Campus SaVE Act, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). The Title IX Sexual Harassment Policy replaces and supersedes the “Sexual Violence Policy” previously contained on pages 13-45 of the Equal Opportunity, Diversity and Affirmative Action Plan (“EO Plan”).

The Universities prohibit all forms of discrimination, harassment, and sexual misconduct. These behaviors are antithetical to the mission of the Universities and, if not covered by this Policy, the Universities ensure that such conduct is prohibited and addressed through the Policy Against Discrimination, Discriminatory Harassment, and Retaliation contained in the EO Plan, Student Code of Conduct and/or employee handbooks and collective bargaining agreements.

## **Article II. Policy Definitions**

### **Actual Knowledge**

Notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the Respondent.

### **Administrative Investigator**

The Administrative Investigator is an impartial fact finder who investigates alleged violations of this Policy by interviewing parties and witnesses, collecting and reviewing statements and other relevant evidence, and providing a detailed, unbiased report regarding the findings of the investigation.

### **Advisor**

A single person of the party's choice, who may be, but is not required to be, an attorney, who may be present in any meeting or grievance proceeding, and who may inspect and review evidence. It is the advisor's responsibility to conduct cross-examination during the live hearing. The advisor's role is otherwise strictly limited to providing direct and non-disruptive assistance to the party.

### **Appellate Administrator/Body**

The Appellate Administrator/Body is annually trained and authorized by the Title IX Coordinator or designee to conduct a review of a decision made regarding an emergency removal, dismissal of a complaint, or decision reached by a Decision Maker(s).

### **Coercion**

Unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that they do not want to engage in sexual behavior, or they do not want to go beyond a certain point of sexual activity, continued pressure beyond that point can be considered coercive. Being coerced into sexual activity is not consent to that activity.

**Complainant**

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University with which the formal complaint is filed.

**Consent**

An understandable exchange of affirmative words or actions, which indicates a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed and freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

Whether an individual has taken advantage of a position of influence over a Complainant may be a factor in determining consent. A position of influence could include supervisory or disciplinary authority.

Silence, previous sexual relationships or experiences, and/or a current relationship may not, in themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity.

**Day**

Day may refer to a calendar day or business day and will be specified in each instance in the Policy. A calendar day is any 24-hour period including weekends and holidays. A business day is a weekday, Monday through Friday, on which the Universities are open. Business days explicitly exclude Saturdays, Sundays, and holidays on which the Universities are closed for regular business.

**Decision Maker**

The Decision Maker is trained to participate in the hearing process and private deliberations. Decision Makers determine the relevance of proposed questions during hearings, and issue written determinations of responsibility that include all findings, sanctions, and remedies.

## **Education Program or Activity**

All operations of the University including locations, events, or circumstances at or in which the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by the University.

Additionally, education programs and activities include:

- Operations on campus or on other property owned or controlled by the University, including networks, digital platforms, social media accounts, and computer hardware or software owned or operated by, or used by the University; or
- Off campus incidents in which the University exercised substantial control over both the Respondent and the context in which the behavior occurred.

## **Evidence**

Information that is presented to establish whether a fact is more or less true. The type and extent of evidence available will differ based on the facts of each incident, but explicitly includes the parties' own statements and statements of witnesses. Evidence may be inculpatory or exculpatory. Exculpatory evidence is evidence that is favorable to the Respondent in that it exonerates or tends to exonerate the Respondent of responsibility. Inculpatory evidence is evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish responsibility. Evidence must be relevant, according to the ordinary meaning of the word.

Information or evidence protected by a legally recognized privilege (e.g., attorney/client, doctor/patient) is excluded from consideration unless the holder of the privilege has waived the privilege in writing to the Title IX Coordinator.

In addition, in accordance with Title IX regulations and the Massachusetts Rape Shield Law (Mass. G.L. c. 233, § 21B) the Respondent or their Advisor are prohibited from asking questions related to the Complainant's alleged prior sexual behavior or alleged sexual reputation unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Outside of the specific allowable exceptions, such information is not considered relevant.

**Force**

The use of physical strength or action (no matter how slight), violence, threats of violence or intimidation (implied threats of violence) as a means to engage in sexual activity. A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor, and lack of such resistance cannot be relied upon as the sole indicator of consent.

**Formal Complaint**

A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.

**Incapacitation**

An individual who is incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, may not give consent. Alcohol or drug related incapacitation is more severe than impairment, being under the influence, or intoxication. Evidence of incapacity may be detected from context clues, such as slurred speech, bloodshot eyes, the smell of alcohol on the breath, shaky equilibrium, vomiting, unusual behavior or unconsciousness. While context clues are important in determining incapacitation, they alone do not necessarily indicate incapacitation.

Persons unable to consent due to incapacitation also include, but are not limited to: persons under age sixteen (16); persons who are intellectually incapable of understanding the implications and consequences of the act or actions in question; and persons who are physically helpless. A physically helpless person is one who is asleep, blacked out, involuntarily physically restrained, unconscious, or, for any other reason, unable to communicate unwillingness to engage in any act. The use of alcohol or drugs to render another person mentally or physically incapacitated as a precursor to or part of a sexual assault is prohibited.

The use of alcohol, medications or other drugs by the Respondent or accused does not excuse a violation of this Policy.

## **Preponderance of Evidence**

Preponderance of evidence is a standard of review. Under this standard, conclusions by the Decision Maker must be based on what “more likely than not” occurred, based on available information and evidence. Accordingly, the Decision Maker must determine whether it is more likely than not that the Respondent violated this Policy.

## **Respondent**

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

## **Supportive Measures**

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules or dining arrangements, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, restrictions from areas of campus, leaves of absence, increased security and monitoring of certain areas of the campus, statutorily provided leave to employees, and other similar measures.

The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

The Title IX Coordinator, or designee, is responsible for coordinating the effective implementation of supportive measures.

### **Article III. Policy Application**

The Policy applies to all members of the campus communities, including, but not limited to, students, faculty, librarians, staff, visitors, contractors, and applicants for employment or admission, or any other person participating in an education program or activity of the University. The Policy applies to on campus and off campus conduct, including online and virtual, that takes place in the United States within an education program or activity.

The Universities prohibit all forms of discrimination, harassment, and sexual misconduct. These behaviors are antithetical to the mission of the Universities and, if not covered by this Policy, the Universities ensure that such conduct is prohibited and addressed through the Policy Against Discrimination, Discriminatory Harassment, and Retaliation contained in the EO Plan, Student Code of Conduct and/or employee handbooks and collective bargaining agreements.

### **Article IV. Policy Dissemination**

Each University will prominently display the contact information for the institution's Title IX Coordinator, including the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s). Each University will further prominently display the Title IX policy statement on its website and in each handbook or catalog that it makes available to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the University.

### **Article V. Policy Offenses**

#### **Section V.1 Title IX Prohibited Sexual Harassment**

- **Sexual Harassment**

The Universities prohibit, under this Policy, conduct on the basis of sex that satisfies one or more of the following conditions:

- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; or,
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Additionally, the behaviors as outlined in subsections (b) through (e) of this section constitute sexual harassment under this Policy.

- **Sexual Assault**

An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Attempts to commit any of these acts are also prohibited.

- **Sexual Assault – Rape**

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim (or attempts to commit the same). This includes any gender of victim or Respondent.

- **Sexual Assault – Fondling**

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of age and/or because of temporary or permanent mental incapacity.

- **Statutory Rape**

Sexual intercourse with a person who is under the statutory age of consent, which is 16 years old in Massachusetts.

- **Incest**

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Dating Violence**

Any act of violence or threatened violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) The type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship. This includes, but is not limited to, sexual, emotional or physical abuse, or the threat of such abuse.

- **Stalking**

Engaging in a course of conduct directed (directly, indirectly, through a third party or other means) at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress. For the

purposes of this Policy, the behaviors must be directly related to that person's sex.

### **Section V.2 Retaliation**

Neither the Universities nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or this policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

The Universities will keep confidential the identity of any individual who has made a report or complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sexual harassment, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g; or FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of Title IX and this policy, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Section V.3 Conduct That Is Not Prohibited**

The Universities are committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service and research. Nothing in this Policy shall be construed to penalize a member of the University community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Any form of speech or conduct, no matter how offensive, unpleasant or even hateful, which is protected by the principles of academic freedom or the U.S. Constitution, is not subject to this policy.

## **Article VI. Consensual Relationships**

Consensual romantic and/or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical and create a risk for real or perceived coercion. The Universities do not intrude upon private choices regarding personal relationships when these relationships do not violate the Universities' policies, or cause harm or increase the risk of harm to the safety and wellbeing of members of the campus community.

### **Section VI.1 Faculty/Administrator/Staff Member**

Relationships with Students No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is being taught or advised by the faculty member or whose academic work is being supervised or evaluated, directly or indirectly, by the faculty member. No administrator or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of a University program or activity. A romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator or staff member and a student is looked upon with disfavor and is strongly discouraged.

### **Section VI.2 Relationships Between Supervisors and Subordinates or Between CoWorkers**

A consenting romantic and/or sexual relationship between a supervisor and subordinate or coworkers may interfere with or impair the performance of professional duties and responsibilities and/or create an appearance of bias or favoritism. Further, such relationships could implicate state ethics laws and/or result in claims of discrimination, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. Therefore, such workplace relationships are strongly discouraged.

## **Article VII. Making a Report**

Complainants have the right to not make a complaint to anyone. A number of reporting options are available and the Universities strongly encourage seeking support from medical, counseling, and other support services.

### **Section VII.1 Title IX Coordinator**

Each University has designated and authorized at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, who is referred to as the "Title IX Coordinator."

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, electronic form (if available), or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the reporting options available at the time of the report. Reports may also be made anonymously; in such case, the person making the report shall not disclose their name or other identifying information, such as an ID number, and shall submit a written report using any of the previously identified written reporting means in a manner that would not reveal the identity of the reporter. The University may also provide specific anonymous reporting options such as a hot line, tip line, or online web form. A University's ability to respond to an anonymous report may be limited about the level of information about the incident and/or individuals involved. Reports do not constitute a formal complaint under this Policy unless they meet the criteria specified in the Title IX Complaint and Resolution Procedures.

The Title IX Coordinator will assist Complainants in notifying law enforcement, if requested by the Complainant.

The Title IX Coordinator, or designee, is responsible for coordinating the effective implementation of supportive measures and is responsible for receiving and responding to requests for disability accommodations related to supportive measures and participation in the grievance process. The Title IX Coordinator may collaborate with other appropriate offices on campus to provide necessary accommodations under this policy.

### **Section VII.2 Law Enforcement**

Complainants may file a criminal complaint with University Police/Public Safety, the local police department where the incident occurred, and/or other state and federal law enforcement agencies. Complainants can make both a criminal report and a report to the University and do not have to choose one or the other. The Universities encourage victims of crimes to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. In

addition to the Title IX Coordinator, University Police/Public Safety will help in filing a report with local law enforcement, should the Complainant request assistance.

Complainants are never required, however, to report an incident to University Police/Public Safety or local law enforcement. If a Complainant elects not to make a criminal report, the Universities will respect that decision; however, the Universities may have an obligation under the Clery Act to inform University Police/Public Safety of an alleged crime, but will not disclose the Complainant's name.

If a Complainant chooses to make a report to University Police/Public Safety, an investigation will be conducted and, if the Complainant so requests, they will receive assistance in filing criminal charges against the Respondent. University Police/Public Safety can also assist a Complainant in the process of obtaining protective restraining orders and abuse prevention orders for sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

University Police/Public Safety have specially trained officers to respond to complaints of sexual assault and dating/domestic violence. Whenever possible, Campus Police/Public Safety will make every effort to offer female Complainants/victims an opportunity to have a female officer present during all interviews.

Reports to law enforcement and/or criminal complaints do not constitute a formal complaint to the University under this Policy unless they meet the criteria specified in the Title IX Complaint and Resolution Procedures.

### **Section VII.3 Confidential Reports**

Persons who have experienced prohibited forms of sexual harassment under this policy may share information confidentially with designated employees ("Confidential Employees") who cannot reveal identifying information to any third party unless one or more of the following conditions is present:

- the individual has provided written consent to disclose information;
- there is a concern about imminent harm to self or others;
- the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or
- an employee has been charged with providing non-identifiable information for purposes of the Clery Act.

“Confidential Employees” include:

- licensed mental health counselors,
- licensed health care personnel,
- pastoral counselors,
- clergy who work for the Universities, or
- additional designated individual(s) on campus.

Employees may also report such misconduct in strict confidence through the Employee Assistance Program.

Please bear in mind, however, that if one requests certain supportive measures from the University (e.g., extension for academic work or changing classes, residence halls or work locations), the Dean of Students and/or other University officials as necessary may be contacted only for the purpose of providing the requested measures. In such cases, one’s privacy will be maintained to the extent that respecting confidentiality will not impair the University’s ability to provide the requested measures. One may also confidentially report sexual harassment, sexual assault, domestic violence, dating violence, stalking, and/or retaliation as well as other forms of sexual violence and gender-based harassment to community support resources, which are not required to share information with the Universities.

**Article VIII. Resources** The safety, health and well-being of the campus communities are of paramount importance to the Universities. Any person who experiences any form of sexual assault, sexual harassment, domestic violence, dating violence, stalking, or retaliation, or similar harmful behaviors regardless of whether they are expressly prohibited by this Policy, is strongly urged to speak with someone to get the support they need, no matter when or where the incident occurred. For information on the location, phone numbers, hours and services provided for the campus and community resources listed below, please contact the Title IX Coordinator or Deputy Title IX Coordinator, the EO Officer, Human Resources, Student Life or Student Conduct, Residence Life, Health Services, the Counseling Center and/or Campus Police/Public Safety. The information is also listed on each University’s website.

### **Section VIII.1 Immediate Needs**

- Assuring One’s Safety

If an incident occurs, the Universities encourage one to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate one to make a

complaint or take any further action, but the decision to seek medical help and gather evidence allows one to preserve the full range of available options. The Universities will assist any community member to get to a safe place, provide transportation for medical help and, if requested, contact law enforcement. For help at any time, contact University Police/Public Safety or, during regular University business hours, contact the Title IX Coordinator.

- **Preserving Evidence**

Any person who has experienced sexual violence is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to prove that a crime occurred, or to obtain a protection order from the court. After an incident occurs, one should try to refrain from bathing, showering, brushing teeth, drinking, eating, douching or changing clothes until the evidence can be collected. If one changes clothes, one should place each garment in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g., pictures/videos, texts, social media posts, etc.), care should be taken to preserve copies and not delete the original communication.

## **Section VIII.2 Confidential Medical Attention**

Medical attention is strongly encouraged to treat any possible injuries, including internal injuries, or infections. Please note that there are some medical actions that are more effective if taken within a few days after an offense, such as preventative treatment for pregnancy and sexually transmitted infections, evidence collection, and toxicology testing, if there are signs that drugs or alcohol facilitated the offense. One may generally discuss the incident with licensed medical personnel confidentially.

- **Confidential Medical Resources on Campus**

Students may access the services of the Student Health Center on a confidential basis. Employees may seek confidential counseling and referral services from the Employee Assistance Program (“EAP”).

- **Confidential Community Medical Resources**

Sexual Assault Nurse Examiners (SANEs) are specially trained, certified professionals skilled in performing quality forensic medical-legal exams. One may find more information about SANE services and where to obtain them here: <https://www.mass.gov/ma-sexual-assault-nurseexaminer-sane-program>.

- **Confidential Counseling and Support**

Generally, one may discuss the incident with a licensed mental health counselor or a counselor recognized by a religious order or denomination on a confidential basis. These counselors are good options if one wishes to discuss one's situation with someone who can keep information about an incident as confidential as possible while assisting in determining next steps, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to University or law enforcement authorities then or at a later time.

- **Confidential Counseling and Support Resources on Campus**

Students may access Counseling Services on a confidential basis. Employees may seek the confidential services of the EAP. All community members may access the confidential services of religious/pastoral counselors on campus, if any.

### **Section VIII.3 Community Counseling and Support Resources**

Many off-campus counseling resources are available. These service providers are not required to report any information to the University and will generally maintain one's confidentiality.

- National and State Organizations

- The National Stalking Resource Center:  
<https://victimsofcrime.org/stalking-resourcecenter/>
- Stalking, Prevention, Awareness, and Resource Center (SPARC):  
<https://www.stalkingawareness.org/>
- National Sexual Assault Hotline: 800-656-4673 (24 hour)  
<https://www.rainn.org/aboutnational-sexual-assault-telephone-hotline>
- RAINN [Rape Abuse & Incest National Network]: 800-656-4673 (Hotline) [www.rainn.org](http://www.rainn.org) (On-Line Live Chat)
- Safelink MA Hotline: 877.785.2020 (24/7)
- MA Spanish Language Rape Crisis Center Hotline (Llamanos): 800-223-5001(Hotline)
- National Domestic Violence Hotline: 800-799-7233 (24 hour)
- Healing Abuse Working for Change (HAWC): 800.547.1649 (24/7)
- Victim Rights Law Center: 115 Broad Street, 3rd Floor Boston, MA 02110 Phone: 617-399-6720 (legal services for victims of sexual assault) <https://www.victimrights.org/>
- Crisis Text Line for People of Color: Text STEVE to 741741
- The Trevor Project (LGBTQ Suicide Hotline): 866-488-7386
- Trans Lifeline: 877-565-8860

- Our Deaf Survivors Center: VP 978-451-7225, Text 978-473-2678
- MaleSurvivor: <https://malesurvivor.org>
- National Suicide Prevention Lifeline: 800-273-8255 (Hotline)

- **Massachusetts Office for Victim Assistance (MOVA)**

MOVA upholds and advances the rights of crime victims and witnesses by providing outreach and education, policy advocacy, policy and program development, legislative advocacy, grants management, and service referrals.

- **Sexual Assault and Rape Services**

MOVA supports free services throughout Massachusetts to help victims and survivors of sexual assault and rape. These services provide a range of options to support an individual's specific needs, including:

- 24/7 hotline counseling, information, and referral;
- will go with victims to hospitals and/or police stations 24/7;
- will go with a victim to court;
- provide one-to-one counseling and support group counseling; and
- provide primary prevention education, professional training and outreach.

<https://www.mass.gov/sexual-assault-and-rape-services>

**Greater Boston Area Boston Area**

- Rape Crisis Center, Cambridge (BARCC): 800-841-8371 (24-hour hotline) 617-492- 6434 TTY <https://barcc.org/>

**Northeastern Massachusetts**

- YWCA North Shore Rape Crisis Center, Lynn/Lawrence/Haverhill: 877-509-YWCA (9922), Spanish: 800-223-5001
- Center for Hope and Healing, Lowell: 800-542-5212 Hotline, 978-452-8723 TTY

**Central Massachusetts**

- Pathways for Change, Inc., Worcester: 800-870-5905 Hotline, 888-877-7130
- Pathways for Change, Inc., Fitchburg: 800-870-5905
- Wayside Trauma Intervention Services, Milford: 800-511-5070 Hotline, 508-478-4205 TTY
- Voices Against Violence, Framingham: 800-593-1125 Support line, 508-626-8686 TTY

## **Southeastern Massachusetts**

- A Safe Place, Nantucket: 508-228-2111 Hotline, 508-228-7095 TTY
- Cape Cod Shelter & Domestic Violence Services (508) 564-7233
- Independence House, Hyannis: (508) 771-6702 or Hotline 800-439-6507 Independence House, Falmouth: (508) 548-0533 or Hotline 800-439-6507
- Martha's Vineyard Community Services, Oak Bluffs: (508) 693-0032 Hotline or (774) 549-9659 TTY The Women's Center, Greater New Bedford: Hotline (508)999-6636 or (508) 996-1177 TTY
- The Women's Center, Fall River: Hotline (508) 996-3343 or (508) 996-1177 TTY
- New Hope, Attleboro: 800-323-4673 Hotline/TTY
- The Women's Center, Fall River: 508-672-1222 Hotline, 508-999-6636; TTY 508-996- 1177
- A New Day, Brockton: 508-588-8255 Hotline, 508-588-8255 or toll free at 888-293- 7273 Western Mass

## **Western Massachusetts**

- Elizabeth Freeman Center, Pittsfield: 866-401-2425 Hotline, 413-499-2425 TTY Center for Women and Community, Amherst: 413-545-0800 Hotline, 413-577-0940 TTY
- NELCWIT, Greenfield: 413-772-0806 Hotline; 413-772-0815 TTY YWCA of Western Mass, Springfield: 800-796-8711 (24/7) Hotline and TTY; 800-223- 5001 Spanish
- YWCA of Western Mass, Westfield: 800-796-8711 (24/7) Hotline and TTY

### **o Domestic Violence Services**

MOVA supports free services throughout Massachusetts to help victims and survivors of domestic violence. These services provide a range of options to support an individual's specific needs. <https://www.mass.gov/domestic-violence-services>

## **Section VIII.4 Private Non-Confidential Campus Resources**

The Universities offer a variety of resources to those community members who have experienced or been affected by sexual harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation. While the following resources are not bound by confidentiality, they will seek to keep information as confidential as possible and will only share information within the limited group of

University personnel necessary to address the issues of prohibited conduct presented.

- Title IX Coordinator (and any Deputies)
- EO Officer
- Campus Police/Public Safety
- Human Resources
- Housing/Residence Life
- Student Life/Student Affairs
- Student Conduct
- Disability Services

### **Article IX. Employees' Duty to Report**

Employees of the Universities have reporting obligations, as outlined below. Reports are not required if knowledge of the potential violations is obtained at public awareness events, in approved research projects, and as part of coursework assignments.

Reports are also not required if made to "Confidential Employees" except where one or more of the following conditions are met:

- the reporting party has provided written consent to disclose information;
- there is a concern about imminent harm to self or others;
- the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled;
- or an employee has been charged with providing non-identifiable information for purposes of the Clery Act.

### **Section IX.1 Campus Security Authorities (CSA)**

Campus Security Authorities (CSAs) are individuals who by virtue of their University responsibilities, and under the Clery Act, are designated to receive and report criminal incidents to University Police/Public Safety so that they may be included and published in the University's Annual Security and Fire Safety Report (Clery Report). All Employees who are designated as CSAs for the purposes of the Clery Act must immediately provide University Police/Public Safety with non-identifying statistical information regarding all reported incidents of sexual assault, dating violence, domestic violence, and stalking.

### **Section IX.2 Employees' Duty to Report Discrimination, Discriminatory Harassment, and Retaliation**

Behavior prohibited under this Policy may also be prohibited under the Policy Against Discrimination, Discriminatory Harassment, and Retaliation. In terms of reports of discrimination, discriminatory

harassment, or retaliation, any trustee, administrator, department chair, program coordinator, manager or supervisor who has knowledge of or receives such a report from a student or other member of the University community is obligated to report the information to the EO Officer or Title IX Coordinator as soon as the employee becomes aware of it. Likewise, any member of the campus community is encouraged to report to the EO Officer or the Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment, or retaliation. Any member of the University community who has a question about their reporting responsibilities should contact the Title IX Coordinator or EO Officer.

### **Section IX.3 Mandatory Reports Involving Minors and Vulnerable Adult Populations**

Persons under 18 (“minors”) may be students or may be engaged in activities sponsored by the Universities or by third parties utilizing University facilities. Where an employee has reasonable cause to believe that a minor is suffering from abuse, sexual abuse or neglect, including the sexual misconduct prohibited by this Policy, the employee and/or the University may be obligated to comply with the mandatory child abuse reporting requirements established at Mass. G.L. c. 119, §§ 51A-E. In such cases, the employee must immediately report the matter to Campus Police/Public Safety, who, in consultation with other officials, shall contact the Department of Children and Families (“DCF”) and/or outside law enforcement. An employee may also directly contact law enforcement or DCF in cases of suspected abuse or neglect.

Massachusetts law also imposes mandatory reporting requirements for certain occupations where abuse or neglect of individuals with disabilities or who are over age 60 is suspected. For more information, please contact the Title IX Coordinator or Campus Police/Public Safety.

### **Article X. Employees’ Duty to Cooperate**

Every faculty member, librarian, administrator, staff member and University employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to the Title IX Complaint and Resolution Procedures of this Policy and of the EO Plan, subject to the provisions of any applicable collective bargaining agreements. This duty includes, among other things, speaking with the EO Officer, Title IX Coordinator, Administrative Investigator, Decision Maker, or Appellate Body, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee,

other than an employee subject to criminal charges or who invokes a Fifth Amendment privilege, to cooperate in an investigation may result in a separate disciplinary action up to and including termination. Such disciplinary action does not constitute retaliation under this Policy.

#### **Article XI. Amnesty**

Students may be hesitant to report sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation out of concern that they, or witnesses, might be charged with violations of the Universities' drug/alcohol policies or other student conduct policy violations. While the Universities do not condone such behavior, they place a priority on the need to address sexual harassment and other conduct prohibited by this Policy. Accordingly, the University shall not pursue discipline against a student who, in good faith, reports, witnesses, or participates in an investigation of sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation, unless such violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at serious and imminent risk.

#### **Article XII. False Reporting**

The initiation of a knowingly false report of sexual harassment, domestic violence, dating violence, stalking, or retaliation is a serious offense prohibited by this Policy. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of prohibited conduct. If an investigation reveals that a Complainant knowingly filed false charges, the University shall take appropriate actions and issue sanctions pursuant to other applicable University policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy.

#### **Article XIII. University Response to Sexual Harassment**

When the University has actual knowledge of sexual harassment in an education program or activity of that University against a person in the United States, it will respond promptly in a manner that is not deliberately indifferent.

The University is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

The University's response will treat Complainants and Respondents equitably by offering supportive measures to a Complainant, and by following a grievance process that complies with those outlined in the

Title IX Complaint and Resolution Procedures section of this document before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

Upon actual notice, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

### **Section XIII.1 Emergency Removal of Respondent**

The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **Section XIII.2 Administrative Leave of Employee**

The University may place an employee on paid administrative leave during the pendency of a grievance process under this Policy when it reasonably concludes that the employee: (a) poses a threat to health or safety; (b) poses a threat to University property or equipment; (c) is disruptive or interferes with an investigation under this Policy or the normal operations of the University; or (d) is charged with a serious violation of state or federal law. The University shall provide the employee the specific reason(s) for the paid administrative leave. During the paid administrative leave, the University reserves the right to prohibit the employee from entering upon the University's property or participating in any University activities absent written authorization from an appropriate University official. The status of the paid administrative leave may change over time as determined to be appropriate and effective. The failure of an employee to comply with the paid administrative leave terms may result in further action or discipline consistent with applicable collective bargaining agreements or employee handbooks.

### **Section XIII.3 Response to a Formal Complaint**

In response to a formal complaint, the University must follow a grievance process that complies with the Title IX Complaint and Resolution Procedures section of this document.

#### **Article XIV. Written Notification of Rights**

The Universities will notify Complainants alleging sexual harassment, sexual assault, domestic violence, dating violence, and stalking under this Policy in writing that they have the following rights to:

- an explanation of the options available;
- referrals to confidential assistance and support services from both on- and off-campus resources, including 24-hour services;
- a change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- request that the University impose no contact/communication orders or other supportive measures;
- choose whether or not to make a formal complaint, which would initiate a formal investigation, unless the University deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- file no complaint with the University, but receive supportive measures from the University;
- a prompt, thorough, and equitable investigation and resolution of a complaint;
- the confidentiality of the investigation process to the extent possible (reference to confidentiality section);
- know, in advance, the names of all persons known to be involved;
- an advisor of their choice who can be present at any time during the complaint resolution proceedings, including the Administrative Investigation. In addition, this Advisor will participate in the live hearing as the representative of the Complainant who shall cross-examine the Respondent and any witnesses, but whose participation in the process is otherwise limited as outlined in this Policy;
- an advisor provided by the University during the live hearing if you do not have one;
- reasonable accommodations for a documented disability during the process;
- not to have irrelevant sexual history discussed;
- be present at certain meetings and inspect, review and respond to evidence before completion of the investigative report;

- speak and present information on their own behalf, including inculpatory and exculpatory evidence;
- provide witnesses, including fact and expert witnesses;
- submit questions for the Administrative Investigator to ask witnesses;
- know the status of the case at any point during the process;
- be provided with a copy of the Investigative Report and an opportunity to respond to the report in advance of the live hearing;
- be informed of the outcome of the process in a timely manner;
- an appeal from the outcome of the process (if proper grounds for appeal exist);
- file a police report and/or take legal action separate from and/or in addition to the University discipline process;
- seek and enforce a harassment prevention order, restraining or similar court order;
- be notified of the procedure for informing the University that a protective order has been issued under federal or state law and the university's responsibilities upon receipt of such notice;
- be assisted by the University in seeking assistance from or filing a complaint with local law enforcement;
- not file a complaint or seek assistance from local law enforcement, but receive supportive measures from the University;
- be free from any behavior that may be construed by the University to be intimidating, harassing or, retaliatory; and
- have the matter handled in accordance with University policy.

The Universities will notify parties who are Respondents to claims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking under this Policy in writing that they have the following rights to:

- an explanation of the allegation(s) against them, including sufficient details known at the time;
- sufficient time to prepare a response to the allegation(s) before any initial interview;
- referrals to confidential assistance and support measures from both on and of campus resources, including 24-hour services;
- request that the University impose no contact/no communication orders or other supportive measures;
- receive a copy of the complaint filed against them;
- know, in advance, the names of all persons known to be involved;
- be presumed not in violation of University Policy and that a determination of responsibility is made at the conclusion of the grievance process;

- the confidentiality of the investigation process to the extent possible (reference to confidentiality section);
- an advisor of their choice who can be present at any time during the complaint resolution proceedings, including the Administrative Investigation. In addition, this Advisor will participate in the live hearing as the representative of the Respondent who shall cross-examine the Complainant and any witnesses, but whose participation in the process is otherwise limited as outlined in this Policy. Pursuant to Weingarten, Respondent unit members may exercise their right to a union representative or other University employee at meetings which the unit member reasonably believes may result in discipline, in addition to an advisor of their choice unless such advisor is also the Weingarten representative;
- an advisor provided by the University during the live hearing if you do not have one;
- reasonable accommodations for a documented disability during the process;
- not to have irrelevant sexual history discussed;
- be present at certain meetings and inspect, review and respond to evidence before completion of the investigative report;
- speak and present information on their own behalf, including evidence inculpatory and exculpatory evidence;
- provide witnesses, including fact and expert witnesses;
- submit questions for the Administrative Investigator to ask witnesses;
- know the status of the case at any point during the investigation and resolution process;
- be provided with a copy of the Investigative Report and an opportunity to respond to the report in advance of the live hearing;
- be informed of the outcome of the process in a timely manner;
- an appeal from the outcome of the process (if proper grounds for appeal exist);
- be free from any behavior that may be construed by the University to be intimidating, harassing, or retaliatory; and
- have the matter handled in accordance with University policy.

### **Article XV. Training**

The University ensures that Title IX Coordinators, Administrative Investigators, Decision Makers, Appellate Administrators, and any person who facilitates an informal resolution process receive annual training on:

- the definition of sexual harassment under this policy,

- the scope of the University's education program or activity,
- the Title IX Complaint Resolution Procedures, including how to conduct investigations, hearings, appeals, and informal resolution processes, as applicable, and
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Each University ensures that investigators receive training on issues of relevance to create an Investigative Report that fairly summarizes relevant evidence.

The University ensures that Decision Makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

All available materials used to train Title IX Coordinators, Administrative Investigators, Decision Makers, Appellate Administrators, and any person who facilitates an informal resolution process will be made publicly accessible on the University's website.

### **Article XVI. Recordkeeping**

The University will create, and maintain for a period of not less than seven years, unless a longer period of retention is required by law, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity.

If the University does not provide a Complainant with supportive measures, then the University will document the reasons why the University did not provide such measures. The documentation of certain bases of measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

Furthermore, the University will maintain for a period of not less than seven years, unless a longer period of retention is required by law, records of:

- each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript of the hearing, any disciplinary sanctions imposed on the

Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;

- any appeal and the result therefrom;
- any informal resolution and the result therefrom.

### **Article XVII. Statistical Reporting and Timely Warnings under The Clery Act**

The Clery Act requires the Universities to maintain a daily log of reports of crimes that occurred on campus, University-controlled property or public property immediately adjacent to campus, including reports of sexual assault, domestic or dating violence and stalking. The Universities must also publish an Annual Campus Crime Report concerning reported incidents. The Universities do not include names or other personally identifying information in the daily logs or the Annual Security Reports. Additionally, when the University becomes aware that an incident of sexual misconduct or violence occurred, and there is a potential for bodily harm or danger to members of the campus community, the University will issue a timely warning to the campus. While the University will provide enough information to safeguard the campus community, a victim's name or other personally identifying information will not be disclosed in the timely warning.

### **Article XVIII. Compliance Concerns**

Persons concerned about the University's handling of a Title IX report or investigation, may bring their concerns to the attention of the University's Title IX Coordinator. Concerns may also be reported to:

U.S. Department of Education, Office for Civil Rights

33 Arch Street, 9th Floor Boston, MA 02119-1424

Telephone: (617) 289-0111;

FAX: (617) 289-0150;

TDD (877) 521-2172

Email: OCR.Boston@ed.gov

### **Article XIX. Title IX Complaint and Resolution Procedures**

The Universities have adopted the following grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this policy.

Unless otherwise specified, the provisions, rules, or practices in this grievance process for handling formal complaints of sexual harassment under Title IX apply equally to both parties.

Proceedings under the Title IX Complaint and Resolution Procedures shall be prompt, fair, and impartial, and be conducted by officials who receive annual training, as addressed in Article XV.

The Title IX Complaint and Resolution Procedures treat Complainants and Respondents equitably by:

- providing remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent;
- and following an investigation and hearing process that complies with this section before imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

Remedies are designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same individualized services described as "supportive measures"; however, remedies may be disciplinary or punitive and place burden on the Respondent.

The Title IX Complaint and Resolution Procedures include an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provides for credibility determinations that are not based on a person's status as a Complainant, Respondent, or witness.

### **Section XIX.1 Freedom from Bias and Conflict of Interest**

The University requires that any individual designated as a Title IX Coordinator, investigator, Decision Maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent.

### **Section XIX.2 Parties to a Complaint**

The parties to a complaint are the Complainant, who is the alleged victim of conduct that could constitute sexual harassment; and the Respondent, who is the alleged perpetrator of conduct that could constitute sexual harassment.

A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Complaint and Resolution Procedures.

### **Section XIX.3 Making a Formal Complaint**

A formal complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University formally investigate.

At the time of filing a formal complaint, a Complainant must be participating in, or attempting to participate in, the education program or activity of the University with which the formal complaint is filed. Formal complaints may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, electronic form (if available), or by any other means that results in the Title IX Coordinator receiving the persons verbal or written report.

The “document filed by a Complainant” may be a document or electronic submission (such as by electronic mail) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

Reports made to University employees, including the Title IX Coordinator and campus law enforcement, do not constitute a formal complaint under this Policy unless they meet the aforementioned criteria in this section.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party in the Title IX Complaint and Resolution Procedures.

While the Universities encourage prompt reporting of incidents of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, as well as retaliation, they do not limit the timeframe for filing a complaint under this Policy. Complaints may be filed at any time, but the University’s ability to take action may be limited by the matriculation or employment status of Complainants, Respondents, or witnesses. A prompt report will enable the University to most effectively respond to a complaint.

- **Dismissal of a Formal Complaint**

The University must investigate the allegations in a formal complaint. However, if the conduct alleged in the formal complaint would not constitute sexual harassment as defined by this Policy even if proved, did not occur in the University’s education program or activity, or did not occur against a person in the United States, then the University must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX and

this Policy. A dismissal of a formal complaint under this Policy for one of the aforementioned reasons does not preclude action under another University policy or its Code of Conduct.

The University may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; the Respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to this section, the University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Any party may appeal the dismissal of a formal complaint, in accordance with the appeal process described in Section XIX.6(j).

- **Consolidation of Formal Complaints**

The University may consolidate formal complaints of sexual harassment allegations against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where the formal complaint process involves more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

- **Concurrent Investigations**

In some circumstances, the Respondent’s alleged conduct violating this Policy may constitute a potential violation of other University conduct policies such as the Policy Against Discrimination, Discriminatory Harassment, and Retaliation and/or the Student Code of Conduct. To avoid duplicative efforts, the University may undertake a concurrent investigation of the alleged conduct. Where such concurrent investigation takes place, the University will use the Title IX Complaint and Resolution Procedures, provided however that cross-examination in the live hearing may be restricted to only questions relevant to allegations of violations of the Title IX Sexual Harassment Policy. Based on the findings of the concurrent investigation, the Respondent may be subject to disciplinary action for violations of this Policy as well as the Policy Against

Discrimination, Discriminatory Harassment, and Retaliation and/or the Student Code of Conduct, as well as other policy violations. If a formal complaint is dismissed in accordance with Article XIX, Section XIX.3 (a), an investigation may continue under other University conduct policies and the procedures prescribed for alleged violations of those policies.

#### **Section XIX. 4 Notice of Allegations**

Upon receipt of a formal complaint in writing, the University will promptly provide the following written notice to the parties who are known:

- Notice of the allegations of behavior potentially constituting sexual harassment as defined in this Policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting sexual harassment under this Policy; and the date and location of the alleged incident, if known. To a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, other meetings, or hearings with sufficient time for the party to prepare to participate.
- Notice of the Title IX Complaint and Resolution Procedures, including any potential informal resolution process.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Complaint Resolution Procedures.
- A statement to the parties that they may have an advisor of their choice.
- A statement to the parties that they may inspect and review evidence.
- A statement informing the parties of any provision in this Policy or the University's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX Complaint and Resolution Procedures.

A Respondent has ten (10) calendar days in which to respond to the complaint after the Notification of Allegations. In cases where a Respondent refuses or fails to participate in the investigation and resolution process, the University may continue the process without the Respondent's participation. The failure of the Respondent to participate in the investigation and resolution process will not prevent the

University from imposing discipline or other sanctions when a violation is found.

At any point after receiving the notice of allegations, including during the investigation and live hearing, a Respondent to any formal complaint may agree to the allegations and the recommended sanction(s).

- **Amending Allegations**

If, in the course of an investigation, the University decides to investigate allegations about the Respondent or Complainant that are not included in the original notice of complaint, the University will provide notice of the additional allegations to the parties whose identities are known.

### **Section XIX.5 Resolution Options**

The Title IX Complaint and Resolution Procedures offer two options, the Informal Resolution Option and the Formal Resolution Option.

- **Informal Resolution Option**

Parties may have the option to request to resolve their formal complaint through a voluntary informal resolution process offered by the University (such as mediation) that does not involve a full investigation and adjudication. If the University offers it, the option to participate in an informal resolution process can be chosen when the formal complaint is filed or at any time prior to reaching a determination regarding responsibility. The University can facilitate an informal resolution process, provided that the University has:

- Provided to the parties a written notice disclosing:
  - the allegations;
  - the requirements of the informal resolution process including:
    - the parties' inability to resume a formal investigation arising from the same alleged conduct once a mutually agreed upon resolution is reached through the informal process, and
    - the parties' right, at any time prior to agreeing to a resolution through the informal resolution process, to withdraw and resume the formal investigation procedures with respect to the formal complaint;
  - any consequences resulting from participating in the informal resolution process, including the records that will be maintained;
  - information on the records that will be maintained or could be shared as a result of participation in the informal resolution process, as required or allowable under FERPA, collective

- bargaining agreements, employee handbooks, or applicable regulations; as required by law; or as otherwise deemed appropriate;
- Obtained the parties' voluntary, written consent to the informal resolution process.

The University will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Similarly, the University does not require the parties to participate in an informal resolution process.

The matter will be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and to the University. The University will create a written record of any such agreement. The University will also ensure a reasonably prompt time frame for an informal resolution process, if it is offered and utilized. Every attempt will be made to conclude the Informal Resolution Option within sixty (60) calendar days of the date of the request.

- **Formal Resolution Option**

The process for resolving a formal complaint through the formal resolution option consists of three major stages: the investigation, the live hearing, and a possible appeal.

If a complaint has been properly filed, either by a Complainant or signed by the Title IX Coordinator, the University will assign the matter to an Administrative Investigator. The University may also designate other trained and knowledgeable University officials to assist with the investigation. Under circumstances where the University deems it necessary or appropriate, the University may also appoint an external investigator.

Following the investigation, a live hearing will be held and presided over by a Decision Maker who is neither the Investigator nor the Title IX Coordinator. All complaints pursued under the Title IX Complaint and Resolution Procedures will be evaluated under a "preponderance of the evidence" standard. Under this standard, conclusions must be based on what "more likely than not" occurred.

A written determination is issued after the live hearing and parties have the right to appeal the decision on specific permissible grounds, as outlined in Section XIX.6 j.

## **Section XIX.6 Formal Resolution Process**

- **Timeframe**

The University will attempt to investigate a complaint within sixty (60) calendar days after the notification of allegations. If, for good cause, an investigation is temporarily delayed, the University will provide the parties written status updates at reasonable intervals until the investigation is completed that explains the reason for the delay or extension. Good cause for limited delays may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; the complexity or severity of a complaint; and breaks in the academic calendar or exam periods. While the University will make reasonable efforts to accommodate the availability of parties, their advisors, and witnesses, a party, their advisor, or a witness may not delay the process indefinitely by refusing to attend or otherwise participate in the process.

The University will attempt to conclude the hearing within fifteen (15) business days of receipt of the Investigation Report.

The University will attempt to conclude the appeal process within thirty (30) business days of receipt of the appeal.

- **Investigation**

The investigation may include, but is not limited to:

- interviews of the parties and other individuals and/or witnesses; and/or reviewing certain documents or materials in the possession of either party or any witness that the Administrative Investigator has deemed relevant;
- consideration of all relevant documents, including written statements and other materials presented by the parties and witnesses;
- evidence collection, including but not limited to, documents, text messages, emails, social media posts and messages, photographs, surveillance camera footage, door lock interrogations, card access records, guest sign-in logs, academic records, employee records and personnel documentation, and law enforcement reports;

- the Administrative Investigator's findings of fact based on the preponderance of the evidence standard;
- the Administrative Investigator's analysis of allegations, defenses, and evidence presented in order to make the factual findings.

- **Burden of Proof**

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a formal investigation.

- **Right to an Advisor of Choice**

The Complainant and Respondent have an equal opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The University does not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceedings. The University maintains the right to remove an advisor from any meeting or proceeding if the advisor is disruptive. The meeting or proceeding may then be delayed to allow the party to secure another advisor.

- **Equal Opportunity to Present, Review, and Respond to Evidence**

Both parties are afforded an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The University does not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

So that each party can meaningfully respond to the evidence prior to conclusion of the investigation, both parties are provided an equal opportunity to review:

- any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;
- the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility; and
- inculpatory or exculpatory evidence whether obtained from a party or other source.

The University will provide each party and the party's advisor, if any, any evidence subject to review in an electronic format or a hard copy. The parties will have ten (10) calendar days to review the evidence and submit a written response, which the investigator will consider prior to completion of the Investigative Report. Where new substantive evidence becomes available through written response to the review of evidence, the University will provide each party and the party's advisor an opportunity to review and respond to that new substantive evidence.

The Administrative Investigator will review the written responses to the evidence, if any, and, based on the information provided, conduct any additional investigation that may be necessary prior to the completion of the Investigative Report. The University will make all such evidence subject to the parties' review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

- **Investigative Report**

Following the opportunity for the parties to review the evidence and respond in writing, the Administrative Investigator will create an Investigative Report that fairly summarizes relevant evidence, the Administrative Investigator's findings of fact based on the preponderance of the evidence standard and the Administrative Investigator's analysis of allegations, defenses, and evidence presented in order to make the factual findings.

At least ten (10) calendar days prior to a hearing the investigator will send each party and the party's advisor, if any, the Investigative Report in an electronic format or a hard copy, for their review and written response. The parties have five (5) calendar days to submit a written response to the Administrative Investigator. The Investigative Report and written responses, if submitted, will be forwarded by the Administrative Investigator to the Decision Maker

promptly upon receipt of the written responses or upon the response deadline.

- **Live Hearing**

The Title IX Complaint and Resolution Procedures include a live hearing presided over by a Decision Maker. Parties are requested to give the University five (5) business days of advance notice of the advisor who will accompany them to the live hearing. If a party does not have an advisor, they are requested to notify the University five (5) business days in advance of the hearing so the University is able to provide them with an advisor.

At the University's discretion, live hearings may be conducted in-person or virtually where the parties, witnesses, and other participants are able to simultaneously see and hear each other with enabling technology.

At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for review upon request.

- **Cross-Examination**

At the live hearing, the Decision Maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.

Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision Maker(s) must first determine whether the question is relevant and

explain any decision 34 to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

- such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
- if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party does not have an advisor present at the live hearing, the University will provide that party an advisor of the University's choice to conduct cross-examination on the party's behalf.

- **Determination Regarding Responsibility**

The Decision Maker(s) will make every reasonable effort to submit a written determination regarding responsibility to the Title IX Coordinator within seven (7) business days after the conclusion of the live hearing, unless good cause for additional time is shown. To reach this determination, the Decision Maker(s) will apply the preponderance of evidence standard in all formal complaints of sexual harassment against students, faculty, and staff. The written determination will include:

- identification of the allegations potentially constituting sexual harassment;
- a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of the Title IX Sexual Harassment Policy to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- the University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator will provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

- **Possible Sanctions and Remedies**

- **For Faculty and Staff (employee) Respondents**

Disciplinary action taken against an employee shall be regarded as an administrative action, up to and including termination. Additional disciplinary action shall also be taken against an employee who violates a sanction or sanctions imposed pursuant to this Policy.

- **For Student Respondents**

A student who has been found to have violated the Sexual Harassment Policy may be subject to sanctions including, but not limited to:

- reprimand
- fines and/or restitution
- warning
- disciplinary hold
- disciplinary probation
- assessment
- loss of privileges
- educational program or project
- relocation of residence
- revocation of admission or degree
- restriction from facilities or activities
- withholding of degree
- temporary or permanent residence hall suspension
- suspension
- expulsion

In general, the sanction typically imposed for students for rape is expulsion. The sanction typically imposed for students for other forms

of sexual assault, domestic violence, dating violence, and stalking is suspension or expulsion. All student sanctions, however, are determined on a case-by-case basis in consideration of: the seriousness of the violation; sanctions typically imposed for similar violations; prior disciplinary history; and any other circumstances indicating that the sanction should be more or less severe.

Additional disciplinary action shall also be taken against a student who violates a sanction or sanctions imposed pursuant to this Policy. Depending on the nature of the violation, such discipline may be imposed pursuant to the provisions of this Policy or pursuant to the applicable provision of the Student Code of Conduct.

- **Additional Remedies Following Finding of a Violation**

Where necessary, the University will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any supportive measures that 36 may have been provided or sanctions that have been imposed. If the Complainant declined or did not take advantage of a specific service or resource previously offered as a supportive measure, such as counseling, the University will re-offer those services to the Complainant as applicable or necessary. In addition, the University will consider broader remedial action for the campus community, such as increased monitoring, supervision, or security at locations where the incidents occurred, increased or targeted education and prevention efforts, climate assessment victimization surveys, and/or revisiting its policies and procedures.

- **Appeals**

Either party may appeal a determination regarding responsibility, a dismissal of a formal complaint, or any allegations therein, on the following bases:

- procedural irregularity that affected the outcome of the matter;
- new evidence that could affect the outcome of the matter was not reasonably available at the time the determination regarding responsibility or dismissal was made; and
- the Title IX Coordinator, investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against either Complainants or Respondents generally, or the individual Complainant or Respondent, which affected the outcome of the matter.

Appeals of the written determination made by the Decision Maker(s) must be submitted within ten (10) calendar days of receipt of the written determination. Appeals of the dismissal of a formal complaint, or any allegations therein, must be submitted within ten (10) calendar days of receipt of the written notification of such action.

The University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The Appellate Administrator/Body will not be the same person as the Decision Maker(s) who reached the determination regarding responsibility or dismissal, the Administrative Investigator(s), or the Title IX Coordinator.

The Appellate Administrator/Body will issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

Where practicable, the appeal process will be concluded within thirty (30) business days of receipt of the appeal.

**Section XIX.7 Formal Complaint Resolution**

**Timeline** The timeline maybe adjusted based upon the considerations set forth in the Title IX Complaint and Resolution Procedures, but no party will be deprived of the minimum review periods provided for in this Policy.

Formal Complaint Investigation Steps	Timeframe
Complaint Received and Notification of Allegations sent to the Respondent	Promptly after formal complaint received
Respondent’s Response	Written response, if any, due 10 calendar days after notice of allegations
Investigation	To be concluded, where practicable, within 60 calendar days of notice of allegations

<b>Formal Complaint Investigation Steps</b>	<b>Timeframe</b>
Evidence Review & Response	Parties have 10 calendar days to review evidence and submit written response
Investigative Report	Provided to parties at least 10 calendar days prior to live hearing
Investigative Report Review & Response	Written response must be submitted by parties at least 5 calendar days before live hearing
Live Hearing	Within 15 business days of receipt of written responses to Investigative Report
Determination of Responsibility	Within 7 business days of conclusion of the live hearing
Appeal Submittal	Due within 10 calendar days of written determination
Appeal Response	To be concluded, where practicable, within 30 calendar days of receipt of written appeal